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ABSTRACT

A project was conducted to develop and implement a coordinated program of supportive services for the physically and sensorially limited adult at the postsecondary level. Phase I consisted of removing architectural barriers, establishing an advisory committee, staffing the project, preparing the budget, and purchasing needed equipment. During Phase II the clientele were identified, services were established and offered, and recruitment and publicity tools were developed. Phase III included special programs, e.g., an awareness week to sensitize the campus and community populations to the problems and needs of the handicapped. The major portion of this document is comprised of appended material, some of which are a bibliography; "Support Services for the Physically Limited Handbook," which provides a detailed description of the services offered; description of phase I activities; evaluation and certification procedures for new construction; proposal for removing architectural barriers in parking places; advisory committee members; procedures for support services for the physically handicapped; proposed budget; equipment inventory and description of students served; and papers on college for the physically handicapped, tutorial techniques for the blind, and developing study skills. (EM)

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ED146345

FINAL REPORT

January 1975-June 1977

THE DEVELOPMENT OF INDIVIDUALIZED SUPPORTIVE SERVICES FOR PHYSICALLY AND SENSORIALLY LIMITED ADULTS AT A POST-SECONDARY AREA VOCATIONAL SCHOOL

U S DEPARTMENT OF HEALTH
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
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AND

MC LENNAN COMMUNITY COLLEGE
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SUPPORT SERVICES FOR THE PHYSICALLY LIMITED

CE 012 497

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INTRODUCTION

The general overall objective of this project, covering the period of January 5, 1975 to June 30, 1977, was to develop and implement a coordinated program of supportive services for the physically and sensorially limited adult at the post-secondary level. These services enable students to receive the individualized assistance requisite to explore and successfully pursue occupationally oriented training/education programs so that they can become productive, socially adjusted and relatively independent citizens in our society.

This report indicates the types of staffing, services, costs and procedures necessary to promote enrollment and completion of education/training courses and programs in a community college setting.

The Research and Development grant provided through the Texas Education Agency has not only provided a model that can be utilized by other schools in developing their own programs, but has established a program at McLennan Community College for the handicapped of Central Texas who desire vocational training through a community college channel.

Deep gratitude is expressed to the Texas Education Agency and its staff for making this grant available.

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ACADEMIC SETTING

McLennan Community College located in McLennan County, Waco, Texas opened with 858 students in September, 1966 in temporary quarters at James Connally Air Force Base.

Construction of the permanent campus at 1400 College Drive was completed on January 6, 1969 and includes contemporary buildings located on a wooded 150-acre site adjacent to Cameron Park and the Bosque River.

The college is presently serving approximately 3,500 day students and 1,000 night students enrolled in a variety of courses leading to baccalaureate degrees or various vocational options in 20 one and two-year occupational programs. The Continuing Education program enrolls each year about 10,000 students in adult academic, vocational and avocational programs.

McLennan Community College holds full membership in the Association of Texas Colleges and Universities and the Southern Association of Secondary Schools and Colleges. Recognition has been given MCC by the Coordinating Board, Texas College and University System and the Texas Education Agency. The college is approved for the training of veterans and foreign students.

The cooperation and enthusiasm of any college administrative staff is mandatory for a successful program of this type. For this staff, through the President, interprets to the Board of Trustees the needs and priorities of each college. The Dean of Student Services, Dr. LaVerne Wong, works closely with the Support Services for the Physically Limited (SSPL) program

and is the pipeline upward and among her professional peers concerning its accomplishments and needs (Attachment A).

The total existing services of the campus are required for the SSPL program and are readily available. All work-study students must be certified as approved by the Director of Financial Aids. It should be pointed out that a six to eight week delay may occur in obtaining work-study students. This calls for referring agencies, such as the Texas Rehabilitation Commission and the Texas Blind Commission, to provide adequate lead time in alerting college staff to the arrival of severely handicapped students requiring a wide range of services. A student requiring mobility aides, notetakers or readers must be provided these services immediately.

There must also be close cooperation with the Director of Placement, who locates student workers and aids with placement of handicapped students following graduation or course completion. The Director of Placement must be familiar with unique challenges in placing handicapped students and the positive job options that can be handled even by the profoundly handicapped.

Counseling Services provides placement, interest, and aptitude tests, as well as personal and vocational counseling. It serves in a symbiotic partnership with the counseling services provided through SSPL. Equally important is the existence of this type of partnership between SSPL and the Coordinator of Veterans Affairs, as services of both programs are blended to the individual requirements of handicapped veterans.

When working with sponsoring agencies, the SSPL staff considers itself in a secondary counseling role, so as not to confuse the student involved with

these agencies by giving options that conflict with those agreed upon between the student and the agency counselor. If conflicts between agency professionals and students exist, it is sometimes helpful to arrange for meetings between campus and agency professionals; who can then present a united advising unit with the welfare of the student always the primary objective.

The College nurse certifies special parking permits for students with severe mobility problems and works closely with the SSPL staff concerning the special medical needs of students that can be administered by a nurse. This may include administering allergy shots and providing facilities for testing, advising on weight control and emergency treatment.

The Director of Student Activities helps coordinate recreational and club opportunities, as well as distributing special parking permits. A detailed description of services offered by various MCC staffs and departments can be found in the SSPL Handbook (Attachment B).

PHASE I (ATTACHMENT C)

I. REMOVING ARCHITECTURAL BARRIERS

Even as the original architectural plans were being designed, McLennan Community College had an awareness and concern for handicapped students. The campus was designed with sloping sidewalks and easy accessibility to buildings, including braille marked elevators. Restrooms are equipped with wide doors and railings.

Each handicapping condition involves unique problems and challenges, and every setting calls for different equipment and changes. For example:

MCC's buildings have expanses of grass and trees between them, and a few of the sidewalks have steep slopes. This makes it almost impossible to traverse in non-mechanized wheelchairs, as students attempt to make classes on time; so our program provides battery-operated wheelchairs.

For smaller elevators not suitable for independent movement of wheelchair students, temporary assistance may be required to position the wheelchair so elevator doors will close. When elevators are out of order, a back-up system involving instructors alerting students, who carry wheelchair students to second floors, must be used.

Even existing furniture may be a classroom barrier. Tables at an incorrect height for those in wheelchairs and chairs with attached writing tables are impossible for extremely obese students to use. Blocks to raise tables for the wheelchair student and the substitution of a chair and unattached table for the obese student solves these problems inexpensively. It is important that instructors are sensitive to these types of needs; and that there is a procedure concerning who handles these problems and the setting of time priorities, so that these barriers are quickly removed.

A sensitive paraplegic student has been known to face stairs on the first day of class, turn away, leave the campus and never return without prior counseling from campus officials on alternative methods for reaching classrooms worked out before the first day of school. On the college level, parents are usually not present to pave the psychological and physical way for handicapped students.

The State Building Commission, 1028 Stephen F. Austin State Office Building, P. O. Box 12427, Austin, TX 78711 is the primary resource for those

institutions seeking to remove architectural barriers in existing buildings and on campus grounds and for consultation when building new structures (Attachment C).

Parking places for staff and students are usually at a premium on any campus. It is very difficult to set aside adequate space near all classroom buildings for handicapped students. When the program began, one post-polio student was using one and one half parking spaces, which was necessary for her to get in and out of the campus wheelchair. With a 13' x 6' landing graded to the height of the parking lot in the grassed area beside the parking lot, she now uses only one space (Attachment D).

It has also been discovered that even a slight rise at a doorway can impede the progress of one in a wheelchair. The Maintenance Department was able at little cost to place slanted wooden strips on each side of the door bottom facing making the entrance much easier to traverse. Hard-to-open doors can be made more accessible by relieving some tension from the closures. It should be noted that a sequence of two doors existing at entrances of restrooms may be problematic. A wheelchair student can be trapped between the doors and exiting without assistance is impossible.

Spectators in wheelchairs sitting on the floor level at the edge of a basketball court can cause serious injury to players running into their equipment during a game. Provisions for safer viewing areas for both players and handicapped students should be considered when building gymnasiums or altering existing seating arrangements for spectators.

II. ADVISORY COMMITTEE

Of vital importance to the SSPL program has been the Advisory Committee consisting of heads of agencies working with the physically and sensorially limited, SSPL students, the adult handicapped, elected officials passing legislation affecting the handicapped, and the MCC administrative staff.

This council of twenty-one meets quarterly to discuss various facets of the program and serves as a resource to the SSPL staff. The group has suggested (1) new services and better methods of service delivery, (2) the type of equipment that could be most useful, (3) options for future funding, (4) has given insight concerning various handicapping conditions and shadings of feelings of those served, and (5) has helped develop new approaches and special programs such as Awareness Week (Attachment E).

III. STAFFING AND BUDGET

The full-time staff consists of a program director and a secretary. Two students are used as part-time clerical assistants. The personalities of staff members should project concern and caring without a condescending or pitying attitude (Attachment F).

Budget preparation for this type of program is complicated by two major factors: (1) the number of students the program will be serving, and (2) the types or degrees of handicapping conditions which exist requiring assistance. This information is usually unavailable at the time a budget is being prepared (Attachment G). One profoundly handicapped blind or quadraplegic student can drastically affect a budget because of the multiple services they will require.

SSPL can serve several less severely handicapped students for the same amount of money.

Although the national pay rate for interpreters serving the deaf is about $8 an hour, this service has been funded at $3.50 an hour. It has been difficult to find interpreters to serve during daytime hours on a part-time basis; however, securing interpreters to serve night students has been no problem.

The Texas Commission for the Blind has a limited budget for readers, transportation and books, and the Veterans Administration has funds for tutoring. The Texas Rehabilitation Commission furnishes books in most cases, but pays for no special services on the MCC campus. It is important to know the financial potential of each agency serving students and how all program budgets can best serve each student.

The most used service requiring student staff is tutorial services. They are paid on an hourly basis at regular student wage rates. The staff has found it difficult to use college work-study students for many services. Tutors must be top academic students, and it is preferable to use those enrolled in the class with the students they are serving or students who have previously taken the course. Mobility aides, readers, notetakers and the van driver must be available when the SSPL students need them. This calls for a very select group of students with complimentary class schedules to the SSPL students. Very few work-study students have been found who meet the necessary criteria.

The use of volunteer student mobility aides and notetakers and with

Phi Theta Kappa, MCC's honorary scholastic organization, as tutors has met with limited success. Notetakers use carbon paper for duplicating their notes for SSPL students, but many of the handicapped students without hearing problems prefer to use tape recorders, so they can have a record of the entire class interaction with instructors and students.

All four of the presently enrolled deaf students have total communication and are proficient lip readers. However, one student needs an interpreter in the classroom and the other students use notetakers. Please note that students without total communication would need much more extensive and expensive services than MCC provides at the present time. More total programs for the deaf can be found on the Tarrant County Junior College system, Eastfield College and Lee College campuses.

Money for travel to visit similar projects is very helpful in the early months of any project. The budget during the first year should also include allotments for a brochure to be printed, some type of student handbook and duplicated material for staff, students and assistants. Equipment purchases and breakdowns must be considered in addition to an operating budget. For example, a blind student broke his brailler, and the brailler was mailed to Howe Press for repair. The cost of repair was not prohibitive, but equipment emergencies will affect a budget and must be anticipated. Replacement of batteries for wheelchairs and tapes for reader services to the blind are also needed.

Some early problems involved the acquisition of the correct electrical adaptors when replacing batteries and repairing charger connections. Everest

and Jennings, Inc., 1803 Pontius Avenue, Los Angeles, California 90025 was particularly helpful in furnishing these adaptors.

IV. EQUIPMENT

The Texas Rehabilitation Commission furnished vital monies during the first program year to purchase needed equipment (Attachment H). The van is equipped with a lift, three wheelchair tie-downs, a bench across the back and a seat next to the driver for a total capacity of nine riders. The lift can be operated from the middle of the vehicle, the ground level or the driver's seat. The van driver can double as a mobility aide for wheelchair transfers to campus equipment. The van is fully automatic and can be operated by a handicapped individual. We have experienced some breakdown problems with the lift. A Collins Lift may have fewer maintenance problems.

The seats removed during modification have been retained should the van be needed for other purposes. Nine students were transported to and from classes this past semester. They were blind, cerebral-palsied and in wheelchairs (Attachment H).

The tape recorders first purchased for the program were too heavy for some of our students to handle. Lighter machines were located, and additional machines were purchased.

The physical education equipment was purchased only after the Director visited programs using this type of equipment and consultation with physical therapists and MCC's physical education staff. Many students have little

tolerance for heavy weights and must start with one pound weights, but most students progress rapidly to heavier weights.

MCC does not require physical education for those who are over twenty-five years of age and/or physically or sensorially handicapped. It has been difficult to interest these exempted students in physical education classes. Many have had few or no physical education experiences or equate moving the body with physical therapy and pain, but those who exercise and attempt to develop new or alternative lifetime recreational skills have found great satisfaction and improvement in their physical conditions. It is imperative that an enthusiastic physical education instructor be located who can, on a voluntary basis, coordinate and establish special and alternative, but not separate, programs and techniques. An MCC instructor developed a special exercise program for a student with muscular dystrophy starting with one pound weights. He is now working out with up to ten pound weights. Water exercises were developed for a post stroke student with improved arm extension and opportunities to learn new swimming strokes within her ability range.

Shower seats which fold to the wall, lower shower nozzles and grab bars make showering possible for the wheelchair student on campus. It is advisable to discuss physical education plans with the students's physician before planning an individualized physical education program.

There is often a delay of many months in delivery of braillers, and this equipment must be ordered with this lag time in mind. Gel cushions are a must to prevent decubitus ulcers on paraplegic and quadraplegic students.

Parking signs could be locally produced with the nationally recognized symbol of access.

PHASE II

I. CLIENTELE AND SERVICES

Serving the handicapped individual in an academic setting presents a multitude of new challenges and human attitudes. What constitutes a handicapping condition? In the broadest sense, it is any condition that may block a person environmentally, physically, emotionally or attitudinally from successfully setting and reaching academic goals, which will lead to desired vocational choices and attainment. During the second year of the program, more people heard about the program and began trusting the staff with a multitude of problem-sharing experiences. The staff began to "get a handle" on the scope of handicapping conditions and were able to begin serving a wider clientele, both number and problem-wise. Closer relationships with instructors also began to be established, as an interdependency of disciplines dedicated to student welfare and education became more apparent.

What do you say to an instructor who will soon be teaching a blind student who uses a guide dog, and that instructor is deathly afraid of animals? How do you modify a program which is usually presented students via tape when a deaf student enrolls in that course? What about a flat tire on a wheelchair in between classroom buildings, a brailler dropped and broken two weeks before finals, a muscular dystrophy student ready to give up, a cornea suddenly available for transplant to a partially blind student in the middle of exams?

What do you tell a cerebral palsy student who wants to play racket ball, a quadraplegic who wants to use the shower after weight lifting, a 54 year old with "nerves" and a back disability trying out college for the first time, a blind student without transportation, a 38 year old heart victim (with four children she is rearing alone) with a poor background in math. English and reading who wants to be an LVN, a rheumatoid arthritic whose attendance record makes passing grades a real question mark?

How do you serve a recovering alcoholic whose three children are on probation, and she faces an eight o'clock class, and the fact her children do not want to attend their schools every morning; an accident victim who needs to enroll from the hospital and will need a wheelchair to start college next semester, a dyslexic who can't read or take tests or notes with the ease of other students, but is perfectly capable of competing intellectually on the college level given alternate techniques and approaches? All of these challenges, and many more, have been faced during the past two-and-one-half years.

At the inception of this grant less than 10 students had been identified and were being served. Over 70 students with various physical and sensorially handicapping conditions are now being served with a variety of services (Attachment I). Many more students have been identified as handicapped, but need no special services.

Students are encouraged by agency and MCC counselors to enter a wide range of vocational programs depending upon their interests and aptitudes.

Even slow learners can learn a trade and be prepared to pass state examinations, and most programs can be geared to fit the physical limitations of individuals. For example, a hearing impaired student can complete many requirements of the secretarial program, but shorthand is waived because of the difficulty of reading lips and transcribing at the same time. With a volume amplifier on a business telephone, this student can carry out the duties of a receptionist-clerk typist in many office settings.

The SSPL program has served students ranging in age from 18 to 72. Many handicapped individuals arrive on campus with weak academic backgrounds. Lack of mainstreaming experiences, key teachers below the post-secondary level who winked them through course requirements, multiple operations occurring throughout their school history, poor attendance due to severe allergy and respiratory problems or pain may have caused these deficiencies. Or sometimes, just like other students, no teacher got their attention when punctuation, spelling, grammar, reading and math were being taught. Through MCC's Adult Learning Center and learning labs, students are helped to discover where deficiencies exist and are prescribed basic individual learning experiences which lead to improvement or removal of these deficiencies.

Of equal importance has been the cooperation of the Texas Rehabilitation Commission, the Texas Blind Commission and the Veterans Administration administrators and counselors. Agencies are furnished monthly information on students' progress and the services that they are receiving. This reporting form is included in Attachment E. Early identification of academic problems is vital to prevent a student from becoming discouraged in a course

or lagging behind in class work. One concerned instructor mentioned an acute heart condition requiring surgery of which the TRC counselor or SSPL staff was not aware. With this information, the staff was able to coordinate services and make plans with this student, so that she could successfully complete the semester.

Community agencies have a problem in locating clients so as to share information, ask questions or obtain signatures needed to deliver services. A simple procedure has been developed for delivering these "emergency messages" to students from these agencies indicating the need for them to contact their counselors. At the present time fifty Texas Rehabilitation Commission clients, three Texas Blind Commission clients and five Veterans Administration clients are being served. Campus personnel should be aware of students with hidden handicapping conditions such as asthma, diabetes, heart problems, severe allergies and arthritis. One problem in serving the arthritic student is that the physical condition of the student is not stable. One day that student may need no services and the next day that student may need note-takers, mobility aides and a wheelchair due to the severity of his or her condition. Pills taken for extreme pain are often barriers to learning, as they impede the ability of the student to think clearly or respond at their intellectual level while on heavy dosages of medicine.

A support services' arm of any campus should move among academicians with a great deal of sensitivity and understanding, and it should also help the administration and new instructors understand the nature and problems of the handicapped. Understanding the unique problems of the blind is not the same as understanding the unique problems of the hearing impaired, or the

post-polio, or the paraplegic, or the cerebral palsied, or the arthritic or the diabetic student. Staffs serving the handicapped will gain nothing in conversations or memos to fellow professionals that make demands for services or understanding, but a great deal can be accomplished on behalf of students when meetings are held in the atmosphere of mutual respect and a genuine desire to share and work out differences (Attachment J).

One service that saves the instructor time is administering course examinations under controlled conditions in the SSPL office. A tape recorder can be used, answers can be given orally or tests can be taken in the usual way by students whose writing or learning disability problems require more time when taking tests than the class period allows. During the early months of the program, some tutors and instructors felt it might be helpful to establish a collection of lecture notes available in the library. The idea was soon discarded as being counterproductive. The final consensus was that as lectures, instructors and courses changed, this collection would quickly become obsolete. It was also felt that this set the handicapped students apart and gave them special treatment that might cause resentment among other students. They should be responsible for collecting their own notes during the class period using methods designed for their individual conditions.

The services offered by SSPL include counseling and pre-registration. At the time of registration, staffs from counseling, student activities, finance, registration and nursing departments gather in a space equipped with chairs and tables a day before regular registration to enroll about 20 students each semester with severe writing, standing, mobility or communication problems. This service also calls for coordination with the Data Processing Department,

because class cards must be pre-pulled. Course advising must be completed at least a week before pre-registration, and lists of accredited students from various agencies must be in the Business Office and Bookstore at the time of registration. The van driver's cards should be pre-pulled at this time to assure the most advantageous class schedule for maximum availability of service to the program.

Another service includes marked and assigned special parking spaces for the profoundly handicapped who drive. Other parking areas with close assessibility to classroom buildings may be used by those with special parking permit stickers. Special vehicles such as three-wheeled bicycles used by cerebral palsied students are allowed on campus with permission.

Mobility aides help with wheelchair transfers when students arrive and leave the campus. Handicapped students are then responsible for getting to and from classes and are often helped by other students at doors and in smaller elevators requiring assistance. The Texas Commission for the Blind provides mobility aides for the first few days on campus; and other mobility aides are assigned, if the students feel the need for more adaption to unfamiliar surroundings at the beginning of school and as class changes take these students to new buildings on campus.

Another vital service that prevents many students from dropping classes or college is the tutorial service. This is usually provided on a one-to-one ratio, but group tutoring has also been used (Attachment K). Handicapped students sometimes serve as notetakers and readers. Good study skills are stressed with all SSPL students, and hints and techniques to build these

skills are shared with these students by tutors (Attachment L).

II. RECRUITMENT AND PUBLICITY

Meetings have been held with secondary school counselors and specialized counselors working with handicapped students. A slide presentation has been developed, which has been helpful in presenting the program to clubs and organizations. It has also been used in staff meetings at Legal Aid, Goodwill Industries, Central Texas Rehabilitation Center, Lighthouse for the Blind, and with area specialists working with hearing and sight-impaired students.

A handout indicating the purpose, services, equipment, and activities of SSPL has been developed as an inexpensive method to use with high school students, parents and the media (Attachment M). A more extensive brochure was later developed including the vocational education programs offered at MCC and is being used as a publicity and recruitment tool (Attachment M).

The local media has been very cooperative, and newspaper articles and television and radio appearances have been helpful in explaining the program.

PHASE III

I. SPECIAL PROGRAMS

An Awareness Week was held in the final months of the grant period to sensitize the campus and community population to the problems and needs of those who are handicapped (Attachment N).

A wheelchair obstacle awareness experience involving campus club members provided an excellent opening day activity for the media to cover, but still showed those who participated that shoving and manipulating a wheelchair is not that much fun. A blind obstacle walk gave other students, instructors and administrative staff members an opportunity to share some of the feelings of the sight impaired.

Media representatives, staff and students were in wheelchairs and blinded for one morning, and they returned for a luncheon where they shared feelings and adjustments of the morning. Films and speakers were used in classrooms that week and panel discussions on the sensorially and physically handicapped were held. One of the highlights of the week was the first appearance of the only Theater of the Deaf for children in the United States.

II. SOCIAL ASPECTS

Many handicapped individuals have few experiences and expertise in socialization, so the program attempts in structured and unstructured settings to give students practice in this area. This also calls for cooperation with non-handicapped students, so that interaction can take place.

The program participants are encouraged to join MCC clubs, but many enjoy the Unity Unlimited Club open to SSPL students and those who plan to work with handicapped individuals. Dressing up and going to public glamour spots is something many of the students have not often experienced, and they especially enjoyed a Christmas party at a local restaurant. This group has enjoyed pot luck luncheons, picnics and speakers on self improvement.

Unity Unlimited members became as interested in helping others as being concerned about themselves when they held a bake sale to provide money for a Thanksgiving basket for a needy family and another bake sale to underwrite some of the expenses of Awareness Week, which they co-sponsored with the SSPL staff. They also have enjoyed attending MCC athletic events as a group and even journeyed to Hillsboro in the SSPL van to attend an MCC-Hill County Junior College basketball game.

The sponsorship of an SSPL student for Homecoming Sweetheart gave the group a feeling of great pride and cohesiveness. They were equally proud when one of their number, a hearing impaired student, competed and won over 40 other girls to win one of sixteen positions on the MCC drill team. One cerebral palsied student took piano, and club members delighted in her triumph as she played a specially composed "Jesu Joy of Man Desiring" for one hand, which was performed with her instructor.

FUTURE PLANS

A request for future funding through the Texas Rehabilitation Commission has been submitted. Options for student staffing needs, including use of the local CETA program, work-study students and the use of volunteers will be explored. Plans are being made through MCC's academic dean to present a program on learning disabilities to the instructional staff at one of their regular faculty meetings. The next Awareness Week will focus on the business community to explore vocational options and stress the hiring of handicapped workers.

RECOMMENDATIONS

Every post-secondary institution should consider the necessity of designing some type of coordinated program that recognizes the special needs of the handicapped student population on each campus and should develop a service delivery system, so that these students can set vocational and academic goals within their limitations similar to any other student on their respective campuses.

The recent decision by HEW to issue regulations for Section 504 of the 1973 Rehabilitation Act will affect all schools and colleges receiving federal funds and makes this Texas Education Agency Research and Development grant even more significant and timely (Attachment O).

It is further hoped that institutions will initiate individualized supportive services and identify and remove architectural and psychological barriers for handicapped students, not because federal regulations requiring changes, modifications and opportunities, but because it is the right and

proper thing to do for fellow human beings...not because they want pity or attention, but because their physical conditions demand certain modifications and considerations for them to succeed.

The staff of McLennan Community College is available to share our program with individuals or institutions desiring further information.

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Eligibility of Blind and Other Physically Handicapped Persons for Loan of Library Materials, Texas State Library, Austin, Texas.

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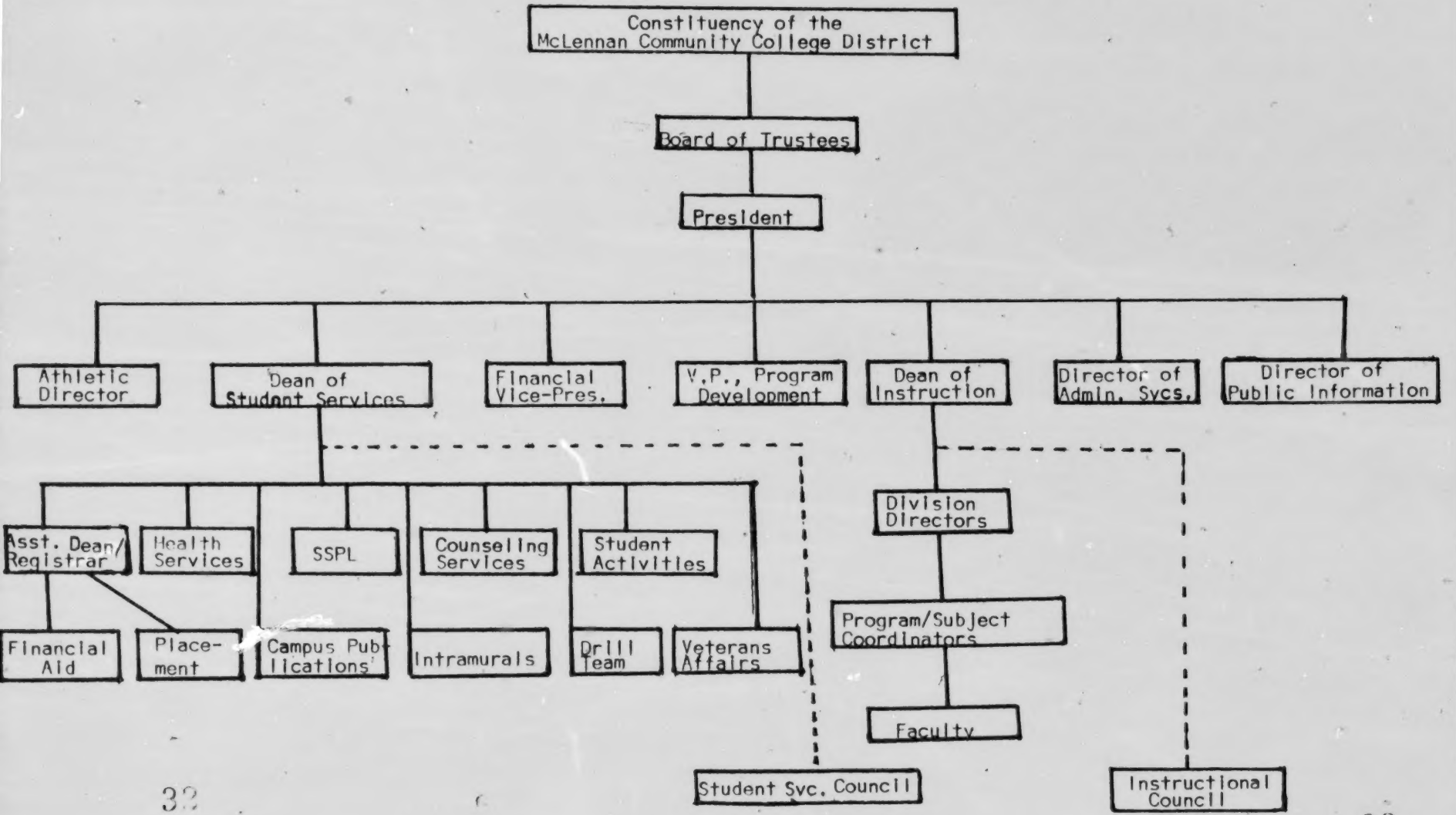
*See Bibliography in Attachment C for further information.

ATTACHMENT A

ORGANIZATION CHART

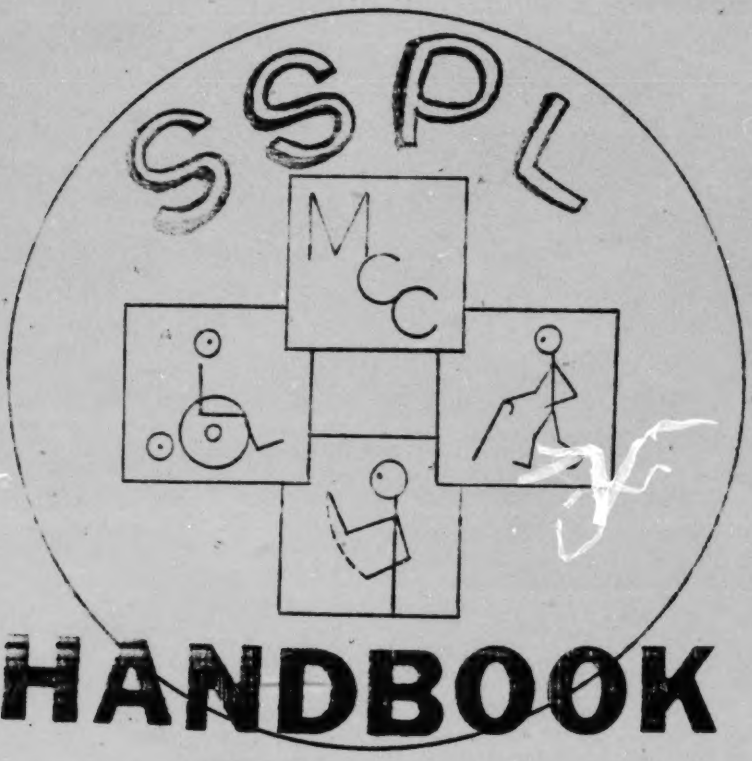
ORGANIZATIONAL CHART



ATTACHMENT B

SSPL STUDENT HANDBOOK

SUPPORT SERVICES FOR THE PHYSICALLY LIMITED



HANDBOOK

MCLENNAN COMMUNITY COLLEGE
WACO, TEXAS
1400 COLLEGE DRIVE 756-6551

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INTRODUCTION

S.S.P.L. is the Support Services for the Physically Limited. On January 5, 1975 a grant was approved by the Texas Education Agency to develop and implement a coordinated program of support services to enable physically and sensorially limited adults to receive individualized assistance to explore and pursue occupationally oriented training in educational programs at McLennan Community College so they could become productive, socially adjusted and relatively independent citizens in the society.

This handbook is intended to aid students in becoming acclimated to the college environment. Hopefully, S.S.P.L. can assist students in reaching their academic and lifetime goals.

S.S.P.L. STAFF

Cathy Kelley . . . . . Director

Mary Marrquin . . . . . Secretary

The office of Support Services for the Physically Limited is located in the Student Center to the right of the front entrance.

ACADEMIC REGULATIONS

Dropping a Class

If a student must drop a class, the student MUST notify the sponsoring agency counselor and the S.S.P.L. office. To drop a class, the student must get a signed "drop slip" from the Counseling Office. The drop slip must have a counselor's signature, the S.S.P.L. director's signature and the course instructor's signature. The drop slip is then taken to the Registrar's Office, where it will become official. The drop procedure must be executed within the designated times for official drops.

Class Attendance

Regular and punctual attendance is expected of all students. It is the student's responsibility to apprise each instructor of the reason for absences. After two weeks of consecutive absences, a student may be dropped from a class roll. The grade of "W" (withdrawal), "WP" (withdrawal passing) or "WF" (withdrawal failing) will be recorded by the instructor in accordance with the College Grade System. After a total absence of 25 per cent of class and/or laboratory meeting time, regardless of reason, a student may be dropped with a "WF". The student will be informed in writing when dropped, and the transcript will show that the student was dropped because of excessive absences.

Individual student absences may be excused (1) when on authorized school trips, (2) when ill, or (3) when there is a death in the immediate family. Notify the instructor of these reasons immediately.

Student Classification

A student who is enrolled for twelve semester hours or more in the fall and spring semesters is considered a full-time student; less than twelve hours constitutes a part-time student. During summer terms, a student is considered a full-time student if enrolled for six semester hours or more.

Students will be classified as freshmen until they have earned 30 semester hours of credit. They will be classified as sophomores if they have earned from 30 through 64 hours of credit. Students beyond the sophomore level may be admitted under special circumstances and will be classified as special students.

College Grading System

College grades are important, as they will be forever a part of a student's permanent record. A student may have to produce this record many times when seeking employment and other opportunities.

These grades are of particular importance to students who plan to transfer to senior institutions to complete their education. Only those courses in which satisfactory grades are made can be transferred for credit to other colleges and universities.

A - Excellent--attained by few students

B - Good--above average

C - Fair--average--considered a satisfactory grade but should not be acceptable to a student who is capable of higher achievement.

D - Poor--lowest passing grade--some colleges will not accept a transferred grade of "D".

IP - In-Progress--This grade may be given only when a student making satisfactory progress in a course needs more time to complete the instructional program for the course. This grade will not be recorded on the student's transcript, and the student must re-enroll in the course in order to receive credit. A student may receive an "IP" grade only once in a given course.

I - Incomplete--This grade is given when a course is incomplete because a student's absence caused by illness, or other reasons acceptable to the instructor, prevents the student from completing the required projects of the course. To be eligible the student must have essentially completed the course. The work remaining should be of such nature as not to require class attendance. If the work is not made up within the following long semester, the "I" will be changed to an "F" and the course must be repeated if credit is to be given.

F - Failing--no credit given

W - Withdrew--A "W" is given if a student officially withdraws from a class or school within the first four weeks of a long semester or within the first seven class days of a summer semester.

WP - Withdrew Passing--*See footnote

WF - Withdrew Failing--*See footnote

*If a student is officially withdrawn from a class or college after the first four weeks of a long semester, or the first seven days of a summer semester, a grade of "WP" will be given in all work passed and a grade of "WF" in all work failed. Withdrawal is official when all forms have been completed, signed and submitted to the office of the Registrar. Withdrawal forms are available in the Counseling Office. No student may withdraw after the thirteenth week of a long semester and/or the fifth week of a summer semester. A student who ceases to attend classes but does not officially withdraw will receive a grade of "F".

AU - Audit--Indicates a course taken for no credit

CR - Credit--This grade will be given in Practicums, Internships, and on-the-job training courses for which credit is given. (Grades A, B, C, or D will not apply to such courses). This grade will also be given for advanced placement and credit by equivalency. A grade of "CR" will count toward the required number of semester hours needed for a certificate or associate degree.

Scholastic Probation and Suspension

Each student's scholastic record will be evaluated at the end of fall and spring semesters. A student taking fewer than 12 semester hours in a regular semester will be evaluated upon the completion of 12 or more semester hours of work.

Any student who has completed one or more semesters and has accumulated 12 or more semester hours will be placed on Scholastic Probation if failing to maintain a 2.0 cumulative grant-point-average. A student on Scholastic Probation will be removed from Scholastic Probation by earning a 2.0 cumulative grade-point-average. A student on Scholastic Probation who achieves a cumulative grade-point-average of 1.50 through 1.99 will continue on Scholastic Probation. Failure of a student on Scholastic Probation to maintain at least a 1.5 cumulative grade-point-average will result in placement on Scholastic Suspension for one long semester. Suspension applies to both day and evening classes.

A student who has been suspended from the College for scholastic reasons will be on Scholastic Probation when re-entering. A third suspension results in the student's being permanently denied admis-

sion to credit courses at McLennan Community College. A student on Scholastic Probation or Suspension who has attempted at least nine hours during the Summer sessions may, at the end of the Summer, be re-evaluated to determine whether probation or suspension may be rescinded.

STUDENTS ARE EXPECTED TO KNOW WHETHER THEY HAVE MAINTAINED THE MINIMUM STANDARD AND ARE ELIGIBLE TO CONTINUE IN COLLEGE. AN INELIGIBLE STUDENT WHO REGISTERS IN THE COLLEGE WILL BE SUBJECT TO DISMISSAL.

REGISTRATION

A special registration time for Fall and Spring semesters and both Summer terms for S.S.P.L. students needing this service is available. During this time, S.S.P.L. provides mobility aides and interpreters. A CLASS SCHEDULE MUST BE PROVIDED THE S.S.P.L. OFFICE ONE WEEK PRIOR TO THIS REGISTRATION. Special registration for S.S.P.L. students is usually one day prior to regular M.C.C. registration. All arrangements for financial assistance with your sponsoring agency or the M.C.C. Financial Aids Director MUST be made prior to pre-registration or regular registration.

Registration Checklist

New Students:

1. Complete application on file with M.C.C.
2. If sponsored by an agency, sponsoring agency (Texas Rehabilitation Commission, Commission for the Blind, etc.) aware of plans for enrollment.
3. If sponsored by an agency, proper credentials from agency for registration, tuition or fees.
4. S.S.P.L. interview prior to registration date.
5. Tentative schedule arranged with S.S.P.L. or Counseling Office and a course advising form or degree plan signed by M.C.C. counselor.

Returning Students:

1. If sponsored by an agency, advise of agency counselor of your intention of continuing school and obtain proper credentials for payment or exemption of tuition and fees.

2. Tentative schedule arranged with S.S.P.L. and course advising form signed by M.C.C. counselor or have in your possession a copy of your degree plan at time of registration.
3. Notification by student to S.S.P.L. office of planned schedule.

COMMISSION FOR THE BLIND

The transition from high school to college is traumatic for any entering freshman; however, blindness can make this transition even more difficult. Realizing that the blind student on a college campus has special needs, the Commission for the Blind works closely with S.S.P.L. in helping students develop the necessary compensatory skills so that they can compete successfully in the college classroom.

The Waco District office is located at 1706 Washington Avenue. For more information concerning Commission for the Blind, contact F. B. Kimbell, Rehabilitation Counselor, telephone 752-9771.

TEXAS REHABILITATION COMMISSION

The Texas Rehabilitation Commission provides counseling, job placement, tuition, and other services to eligible students. To be eligible, there must be a physical or mental impairment which constitutes a vocational handicap. Also, there must be reasonable expectation that rehabilitation services will result in employment.

The Waco District office is located at 1702 West Waco Drive. For more information concerning Texas Rehabilitation Commission, contact Richard Jurek, Supervisor, telephone 756-5401.

VETERANS AFFAIRS

The S.S.P.L. program works very closely with the Veterans Affairs Office for the benefit of S.S.P.L. students who are veterans. The person to contact for V.A.O. information is:

Walt Murchison
Coordinator . . . . . 756-6551, ext. 404

SERVICES AVAILABLE

* *

Mobility and Personal Aides: Any orthopedically impaired student who needs assistance in getting to class and other campus facilities, assistance in getting in and out of a car, or for dressing or undressing for physical education classes, may request this help. Motorized wheelchairs are available on campus for student use. It is hoped that each student is preparing and practicing for as independent a life as possible following school days and for entrance into the working world, but assistance is available during that transition period. Training in developing that independence is available through the S.S.P.L. program.

*

Notetakers and Tutors: Are also available for those having difficulty writing with clarity and/or speed and with various phases of academic requirements, whether it be test or note-taking, study habits or course organizing techniques.

Special Counseling: In addition to the Counseling Services Office, the S.S.P.L. staff is also available for on-the-spot or long-range counseling periods.

* *

Readers and Interpreters: Are also available for the hard-of-hearing or the blind student. (See Services for the Blind and Services for the Hearing impaired for further information.)

*

Note: It is the responsibility of the S.S.P.L. student to advise the aide, tutor, reader or interpreter of planned absences or for reason of illness or emergency situations. Repeated failure to do this will result in the service being discontinued.

Special Parking can be provided that puts the student nearer M.C.C. buildings most frequently used for those with mobility problems. Arrangements for special parking must be made before registration in the Health Services Office.

Pre-registration is provided for those needing this service. (See Registration on page 7 for details.)

Orientation is provided for all S.S.P.L. students to share information which will help each student become familiar with M.C.C. and to aid in the transition to college and preparation for life after college.

Physical Education is designed on an individual basis for the S.S.P.L. student to help one condition the body within existing limitations and to develop lifetime recreation skills.

Transportation: A van equipped with wheelchair locks and seats is available for all S.S.P.L. students needing rides to and/or from the campus who are without other means of transportation or lacking trans-

portation resources at certain times of the day. Special transportation to campus athletic or special events can be provided for a group of S.S.P.L. students.

Tutoring is provided for students experiencing academic problems. Tutors may be recommended by the instructor, Placement or Counseling office.

Services available to all M.C.C. students are listed in the M.C.C. catalogue. A cafeteria, snack bar and vending machines are located in the M.C.C. Student Center. Vending machines are also available in most of the other buildings on campus.

SERVICES FOR THE BLIND

One of the most important services offered to the blind is the availability of readers for putting reading assignments on tape.

Readers for the blind:

1. Record assignments from the student's textbook on cassettes.
2. Return reading assignments to the student or S.S.P.L. office at the designated time.

Emergency reading schedules will be coordinated through the S.S.P.L. office.

During orientation, S.S.P.L. works with the Texas Commission for the Blind. A Mobility Assistant from the Commission may orient the new blind students to the campus if necessary.

Mobility Assistants:

1. Accompany S.S.P.L. students between classes.
2. Assist S.S.P.L. students with books, doors, directions, etc.

The S.S.P.L. office has a catalog listing of all talking book machines, cassette tapes, etc. available to the blind through the Division for the Blind and Handicapped, Texas State Library, Box 12927, Capitol Station, Austin, Texas 78711.

SERVICES FOR THE HEARING IMPAIRED

S.S.P.L. provides interpreting services for hearing impaired students. The interpreter will accompany the student to class and provide verbatim interpretation of lectures, discussions, lab instruction, media presentations, etc. Interpreters are also available for counseling sessions and special activities. The presence of an interpreter allows the hearing impaired student equal opportunity for classroom success.

Criteria for hiring S.S.P.L. interpreters:

1. Mastery of the use of manual sign language.
2. Ability to relate information via sign language for maximum understanding by the student.
3. Understanding of the deaf student's language level.
4. Willingness to maintain professional attitude.
5. Ability to maintain confidentiality and ethics.
6. Ability to work in harmony with S.S.P.L. staff, students, and M.C.C. faculty.

What the student can expect from the interpreter:

1. Punctuality and dependability

   Interpreter will meet the student in each class. Interpreter will attend each scheduled class session, but will remain only 15 minutes if the student has not arrived. If a tardy student wishes to secure the services of an interpreter, the student must come by the S.S.P.L. office and notify the Program Director.

2. Complete classroom information

   The interpreter will relay all information and instructions for each class session.

3. Availability for teacher conferences and activity periods
   The interpreter will be available for teacher conferences. (The student is responsible for arranging appointments.) Interpreter may be available by request for on-campus activity periods (plays, lectures, etc.).

What the student cannot expect from interpreters:

1. The interpreter does not represent the student during roll call.
2. The interpreter will not be responsible for contacting a teacher or counselor for conferences.
3. The interpreter will not attend class if the student is absent, unless prior arrangements have been made by the student. If a student wishes an interpreter to attend a class in the student's absence, arrangements should be made well in advance of class period.
4. The interpreter will not take notes if the student is absent.

Student's responsibilities:

1. Arrive before class time to secure the desks needed for the student and the interpreter.
2. Notify interpreter through S.S.P.L. office concerning absenteeism before class time.
3. Contact teacher and notetakers for makeup work or tests immediately upon returning to school.
4. Inform the following people of any schedule changes:
   a. Teacher
   b. S.S.P.L. office
   c. Sponsoring agency

5. Remember the following:

   a. Homework assignments

   b. Special assignments

   c. Changes in meeting places

   d. To keep notetaker supplied with carbon paper and notebook

6. Learn the vocabulary for each subject. The understanding of words used in each class is important. It may be necessary for the interpreter to introduce specialized signs for a particular class.

TUITION AND FEES *

According to the Texas Education Code, a deaf or blind person who is a resident is entitled to exemption from the payment of tuition and fees at any institution of higher education utilizing public funds. . . upon certification of the appropriate state vocational rehabilitation agency. In order to have fees waived, the student must present proper credentials from the sponsoring agency to the Business Office during registration.

*Tuition and fees includes all dues, fees, and enrollment charges whatsoever for which exemptions may be lawfully made, including student service fees.

LIBRARY

The library is open the following hours during the Fall and Spring semesters:

7:45 a.m. to 9:00 p.m. Monday through Thursday

7:45 a.m. to 5:00 p.m. Friday

Hours for Summer school, vacation and between semesters are posted at the library entrance.

Use of Books: All books on the second floor (except those in locked case) may be checked out for two weeks. Reference books and periodicals may be used in the library, but cannot be checked out. Most reserved books must be used in the library during the day and can be checked out for overnight and weekend use. A book must be returned to the library for renewal. If a student orders a book that is checked out, the student may place a hold on the book and it will be held for the student when returned.

Fines: On two weeks' books, a 5¢ fine is charged for each day overdue. Fines on overdue reserved books will be 25¢ per day. If a book is lost, the student is charged the cost of replacing the lost book.

Services: A photocopier is available for students who wish to have copies of articles in magazines, books or documents of any nature duplicated. The charge is 5¢ per copy. There is a book drop at the front entrance and a telephone located on the first floor to the right of the main entrance.

HEALTH SERVICES

The Student Health Service Office is located in the Student Center on the first floor next to the Counseling Office. The office hours are as follows:

8:00 a.m. to 5:00 p.m. Monday through Friday

Some of the services to students include the following:

1. Emergency medical care for injuries and illness
2. Place to rest during the day
3. Influenza vaccine at a minimal cost
4. Allergy injections with serum provided by student
5. Free preliminary testing
   a. Vision
   b. T.B. skin testing
   c. Throat cultures
   d. blood pressure
6. Provide over-the-counter medication for drop-in minor medical problems
7. Storage for personal medication
8. Absentee memo: call the Health Center when absent more than three days due to illness. A notice, not an excuse, will be sent to your instructors.
9. Referral services to community agencies
10. Permission for special parking privileges for S.S.P.L. students with mobility problems.
11. A Better You Club for weight control and self-image improvement

BOOKSTORE

The bookstore has textbooks, school supplies, paperback books and various other items one can buy. Books can be special ordered if not available. Bookstore hours are as follows:

8:00 a.m. to 4:30 p.m. Monday through Thursday

6:00 p.m. to 8:00 p.m. Monday through Thursday

8:00 a.m. to 4:30 p.m. Friday

Return Book Policy: Should it become necessary for the student to return books purchased at the M.C.C. bookstore, they will be accepted for cash if the following conditions are met:

1. New books should be completely free of all markings either in pencil or ink, other than the price mark. When name is written in the fly leaf or cover, one dollar ($1.00) will be deducted from the price you paid.
2. No refund can be made on books purchased for the current semester after the FIRST 12 class days.
3. No refund can be made without cash register receipt.
4. Books, new or used, returned after the first 12 class days will be bought as a used book.
5. Refunds on paperbacks and workbooks are made only for the first twelve class days if they have not been written in or soiled in any way.
6. Defective books - those defective in composition of pages with entire sections missing or with section out of order. When such defects are discovered, the book should be

returned at once. It will be replaced without charge and without regard to the length of time it has been out of the store.

7. Special order books cannot be returned.

Buy Back Policy: Used books will be purchased from students the last week in a semester and first two weeks in the new semester. M.C.C will buy books three times a year; at the end of the Fall semester, Spring semester and the last six weeks in the Summer semester. The buy back prices are determined by the following terms:

1. M.C.C. will buy the books for half the price if it is a current edition and being used the next semester.
2. M.C.C. does not buy out of print books or discontinued books. (If we do it is at a reduced price.)
3. M.C.C. does not buy back titles we are overstocked with, or until our stock is reduced and we need them.
4. Most workbooks and paperbacks are not bought back. To be able to sell back a book the student MUST show the M.C.C I.D. card.

Special Services: The bookstore provides gift wrapping, lay away plans and discounts.

The bookstore will accept checks as payment for books if the student presents the M.C.C. identification card.

Texas Rehabilitation Commission will only furnish required books. Supplies and dictionaries will not be furnished.

Contact the Texas Blind Commission concerning fee policies.

PLACEMENT

S.S.P.L. works closely with the M.C.C. Director of Placement in exploring employment opportunities in this area for the handicapped person. The Placement Director also keeps in touch with various agencies and companies in discovering the jobs at which the handicapped can expect reasonable success, and arranges for on or off campus interviews. Every S.S.P.L. student can have an opportunity for an interview with the Placement Director and to fill out a Placement information questionnaire, which will be kept on file in the Placement Office. Assistance in developing a resume' and in filling out employment applications is also available. On campus employment can be arranged if a student is eligible for the Work-Study program. At times there are on campus employment opportunities in the S.S.P.L. Office.

STUDENT ACTIVITIES

Student Organizations: There is a variety of clubs and organizations on campus. Whatever your interests, the student will be able to find a club to share that interest. People who are interested in joining clubs should keep the activity period (10:00 a.m..to 11:00 a.m., Monday, Wednesday and Friday) free for club meetings.

Unity Unlimited: The S.S.P.L. club is Unity Unlimited which meets on the first and third Wednesdays of every month at 10:00 a.m. It is operated by and for S.S.P.L. students who enjoy service projects, social events and speakers on subjects of interest to the club members.

Activity Period: The College has set aside an activity period that begins when students leave class at 9:50 a.m. and ends when students begin class at 11:10 a.m. every Monday, Wednesday and Friday during the Fall and Spring Semesters. The activity period enables students to participate in various student activities such as Student Government club meetings, intramural competition, band concerts, lectures, films and movies, game room tournaments, etc.

To keep up with what is happening or what is available during the activity periods, students should check the various bulletin boards around campus and expecially the bulletin and message boards in and around the Student Center. Also, the bi-weekly Student Bulletin and the weekly Highland Herald Newspaper will usually give additional details about the activities.

Student Center: The Student Center has many services for the students of McLennan Community College. Some of these are as follows:

Lounges: The lounges are located throughout the building. They are open at the following times:

8:00 a.m. to 5:00 p.m., Monday through Friday

Games Room: The games room has many games that are available to all the students who are currently registered at M.C.C. Some of the games are foosball, billiards, electric games (pong, tank, etc.). Cards, dominoes, checkers, chinese checkers, monopoly and chess sets can be checked out in the Student Activities Office. Hours the games room is open varies. Check with the Student Activities Office for information.

Food Services: The cafeteria is in the Student Center. It is open for breakfast and lunch. The hours are as follows:

7:45 a.m. to 2:00 p.m., Monday through Friday.

Vending machines are available for students to purchase snacks at all times the Student Center is open. Drink machines are in surrounding buildings.

Meeting Rooms: The Highlander and Tartan Rooms located on the third floor can be reserved for club or group meetings through the Student Activities Office.

Television Area: A television area is located in the Student Center. Television shows can be enjoyed at all times that the Student Center is normally open.

Lost and Found: The Student Center games counter is the location of the campus lost and found.

Parking Permits and M.C.C. Identification Cards may be obtained in the Student Activities Office.

ADULT LEARNING CENTER

The Adult Learning Center is located in the Liberal Arts Building in Rooms 108 and 110 and services are offered free of charge. Those students with no high school diploma or who are operating below the high school grade level are eligible for services with tests given to determine eligibility. A counseling session follows these tests and an individual prescription is made for each student, pointing out what the student must do to improve abilities in reading and grammar. The student works at the student's own pace in determining the necessary time spent at the Center. Center hours vary each semester or term, and hours are posted on the Center door. The Center is open during both day and night hours.

Preparation for the G.E.D. (General Education Development Test Battery) is available at the Adult Learning Center to prepare for a high school equivalency certificate. The tests for the G.E.D. are given in the M.C.C. Counseling Office by appointment.

INSTRUCTIONAL MEDIA CENTER

This Center is open to any M.C.C. student and the Center staff will duplicate tests, print signs and posters, laminate and produce transparencies. Students may use the audio recording studio to make their own tapes. The staff can also record television shows for class viewing (video tape). The Instructional Media Center is located below the Lecture Hall and is open from 8:00 a.m. to 5:00 p.m. The student pays only for the cost of materials. Tape recorders, filmstrip projectors and slide projectors are available for use during class time at no charge, but arrangements for this equipment must be made through the instructor.

HOUSING

McLennan Community College does not provide dormitories or housing of any kind on or off campus; however, apartments are located within walking distance. The Office of Student Activities, located in the Student Center has a list of rental and sale property in the area to help students in finding suitable housing. This service is provided at no cost to the student. This list includes information on rooms, apartments and housing, including furnished housing.

COUNSELING OFFICE SERVICES

The Counseling Office is located on the first floor of the Student Center and is open from 8:00 a.m. to 5:00 p.m.

Testing: C.L.E.P. (College Level Examination Program) is a subject area examination for students who have a high level of academic knowledge and can pass a subject through a C.L.E.P. Test rather than taking the course. There are also departmental examinations given by M.C.C. subject area departments in addition to the C.L.E.P. Tests. There is a charge for these tests. Information on these tests may be obtained from the Counseling Office.

A.C.T. (American College Test) should be taken before entering M.C.C., but must be taken during the first semester that a student is enrolled full-time. There is a charge for this test. See the Counseling Office for dates and times of administration of A.C.T.

The Counseling Office has available and can administer a complete battery of exploratory tests to determine the aptitudes and interests of M.C.C. students. There is no charge for these tests.

An English Placement Test is given through the Counseling Office to those students who want to enroll in college English, but who have not taken the A.C.T. or made a satisfactory score on the A.C.T. English section. A.C.T. results are available in the Counseling Office.

Counseling: Educational and vocational advising and personal counseling is available to every M.C.C. student in the Counseling Office.

Group and Individual Activities: Workshops, seminars and group activities dealing with personal growth and adjustment are offered through student development workshops.

Relaxation therapy training and test-taking skills are taught through group or individual sessions.

Orientation: Every full-time beginning freshman M.C.C. student must take orientation if the student is under 25 years of age.

Referral: The Counseling and S.S.P.L. Offices have extensive knowledge concerning community agencies and services available in McLennan County and can make referrals to appropriate agencies when these needs are pointed out by the student.

EQUIPMENT AVAILABLE

Tape recorders are available to all S.S.P.L. students. These tape recorders are checked out on the approval of the S.S.P.L. director or secretary. They may be checked out over night or for as long as one semester or term.*

Cassette tapes are available to all S.S.P.L. students on a loan basis by approval of the S.S.P.L. director or secretary. The 60 or 90 minute tapes can be checked out over night or for as long as one semester or term.*

* Tapes and tape recorders must be returned to the S.S.P.L. Office at the end of each semester. This equipment is then checked and re-issued to the student if needed.

Ponchos are available for wheelchair students during rainy weather when requested.

A transfer board is available in the S.S.P.L. Office for car-chair transfers.

Electric and standard wheelchairs are available for on campus use.

A brailler is available for use in the S.S.P.L. Office or while attending campus classes.

Special shower seats and railings and appropriate spray equipment has been installed in the H.P.E. Building for those in wheelchairs or using braces or crutches.

A portable pool lift and life preservers are available at the H.P.E. swimming pool.

An exerciser, wall pulley, portable chinning bar, stall bars, dumbbells, muscle matic weights and velcro mitts are available in the H.P.E. Building for use by S.S.P.L. students. See Pearl Garcia concerning use of this equipment.

A tire pump is located in the S.S.P.L. Office.

CAMPUS PERSONNEL

(Useful to the S.S.P.L. Student)

Student Services	Campus Phone
Don Bynum - Director, Student Activities	420
Steven Crump - Director, Financial Aid	397
Keith Geisler - Director, Counseling & Testing	391
Cathy Kelley - Director, S.S.P.L.	385
Cathy Dominguez - Director, Placement Office	393
Walter Murchison - Coordinator, Veterans Affairs	404
Blanche Willis - Director, Health Services	392
Dr. LaVerne Wong - Dean of Student Services	213
Program Directors	
Miller Brister - Management Development	285
Wm. H. Buckler - Law Enforcement	284
Ken Burkhalter - Computer Science	352
Mary Cantrell - Mental Health	287
Jimmy Clayton - Athletic	252
Dr. Ann Garrett - Child Care	288
Billie Ingle - Nursing, L.V.N.	448
Larry James - Radiologic Technology	440
Walter Kruse - Agriculture	379
Iva Lee - Data Processing	353
Don McCauley - Office Education	362
Al Pollard - Postal Service Administration	215
Tom Ridlehuber - Adult Basic Education	304
Janice Roberson - Nursing, R.N.	446
Wesley Rogers - Nursing Home Administration	286
Olivia Vonner - Cosmetology	350
Ed Ware - Real Estate Management	296
Asst. Dean, Student Services/Registrar	
Willie Hobbs	231
Dean of Instruction	
Dr. Ronald A. Smith	209
Dean of Technical Education	
Al Pollard	215
Physical Activities Coordinator for S.S.P.L.	
James Burroughs	253

Library	Campus Phone
Victor Jeffress, Director	263
Learning Center	
Margarita Sanchez - Director, Reading Skills Center	341 & 342
Campus Security	
Ray Kaluza - Supv., Campus Security	245 (or call switchboard operator)

KEY LOCATIONS

Adult Learning Center	Liberal Arts Building Rooms 108 & 110
Bookstore	Student Center, 1st Floor
Counseling Office	Student Center, 1st Floor
Financial Aids Office	Student Center, 3rd Floor
Health Services	Student Center, 1st Floor
Instructional Media Center	Lecture Hall Building
Placement Office	Student Center, 3rd Floor
Registrar's Office	Administration Building
S.S.P.L. Office	Student Center, 2nd Floor
Student Activities Office	Student Center, 2nd Floor
Student Services Office	Administration Building
Veterans Office	Student Center, 3rd Floor

CREDITS

Special thanks to the Tarrant County S.C.O.O.P. Director, Joan Fernandez and to M.C.C.'s artist-in-residence, Director of Counseling Services, Keith Geisler, who were so helpful in preparing this handbook.

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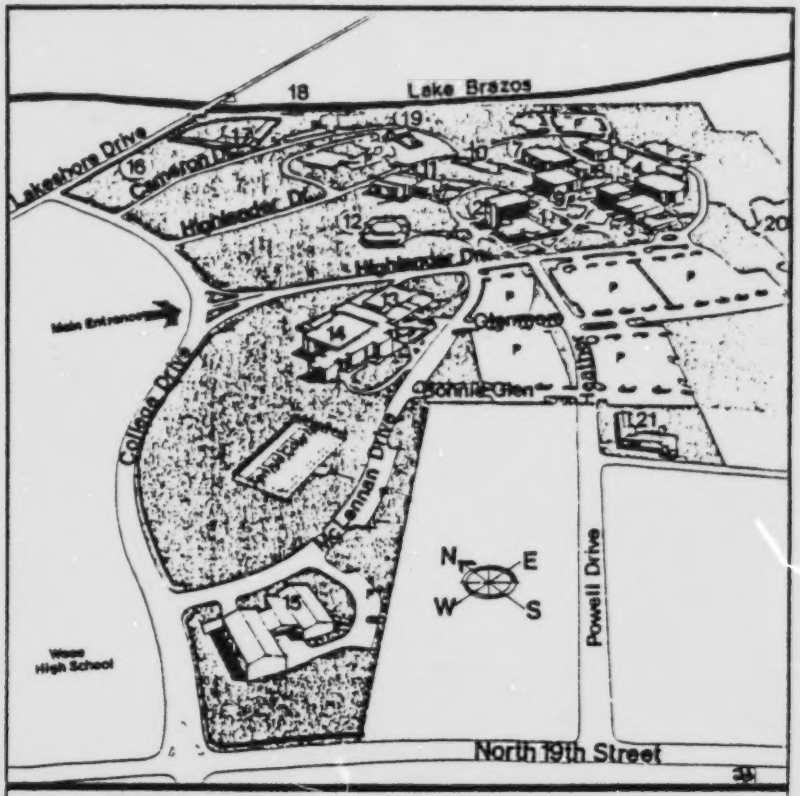

McLENNAN COMMUNITY COLLEGE, WACO, TEXAS

LEGEND

1 ADMINISTRATION
2 ADMINISTRATION & CLASSROOM
3 STUDENT CENTER
4 LIBERAL ARTS
5 FACULTY OFFICE
6 HEALTH CAREERS
7 SCIENCE
8 LECTURE HALL
9 LIBRARY
10 CENTRAL UTILITY
11 APPLIED SCIENCE
12 FINE ARTS
13 GYMNASIUM
14 HEALTH & PHYSICAL EDUCATION
15 MAINTENANCE CENTER
16 INTRAMURAL FIELDS
17 BASEBALL FIELDHOUSE
18 AMPHITHEATER&MARINA
19 ART CENTER
20 NATURE TRAIL
21 CHILD CARE CENTER
P PARKING

Abbreviation	Name of Building
AC	Administration & Classroom
AS	Applied Science
FA	Fine Arts
HC	Health Careers
LA	Liberal Arts
PE	Health & Physical Education
SB	Science Building

ATTACHMENT C

PHASE I

PHASE I

THE DEVELOPMENT OF INDIVIDUALIZED SUPPORTIVE SERVICES FOR PHYSICALLY AND SENSORIALLY LIMITED ADULTS AT A POST-SECONDARY AREA VOCATIONAL SCHOOL

DEVELOPED THROUGH THE COOPERATIVE EFFORTS OF

THE DIVISION OF OCCUPATIONAL RESEARCH AND DEVELOPMENT
DEPARTMENT OF OCCUPATIONAL AND TECHNICAL EDUCATION
TEXAS EDUCATION AGENCY

AND

MCLENNAN COMMUNITY COLLEGE
WACO, TEXAS

PREPARED BY

MS. RUBY F. MC CLANAHAN, DIRECTOR
SUPPORT SERVICES FOR THE PHYSICALLY LIMITED

DR. CHESTER R. HASTINGS
VICE-PRESIDENT, PROGRAM DEVELOPMENT

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INTRODUCTION

The general overall objective of this total project (January 5, 1975-June 30, 1977) is to develop and implement a coordinated program of supportive services that will enable physically limited adults to receive the individualized assistance requisite to explore and successfully pursue occupationally oriented training/educational programs so that they may become productive, socially adjusted and relatively independent citizens in our society.

This report encompasses Phase I (January 5, 1975-June 30, 1975) of the total project in which the activities centered upon the types and scope of individualized services that would be needed; the availability and cost of these services; the identification and assessment of the adults in need of the services; and the identification of the physical and psychological barriers extant at McLennan Community College that inhibit the enrollment and success of physically and sensorially limited students.

Phase II (July 1, 1975-June 30, 1976) will be devoted to the development and implementation of the identified requisite program of individualized support services.

Phase III (July 1, 1976-June 30, 1977) will be used to refine the development and implementation of individualized supportive services pointing toward a self-sustaining program at the end of the project period by coordinating local, State, federal and College resources. The experience, information and materials developed will be shared with other area vocational schools and interested parties. The sharing of the services developed in the project will be explored with other educational agencies in this geographic area.

PHASE I

I. Identification and Visitation of Supportive Services Programs

One of the project activities was the identification and visitation of exemplary programs of individualized supportive services within the continental United States and within Texas.

The Texas Education Agency, the Texas Rehabilitation Commission, the American Association of Community and Junior Colleges, and various offices of the U. S. Department of Health, Education and Welfare were asked to identify existing and well-developed programs.

The general tenor of the responses was that supportive services for the deaf and visually-impaired were fairly well known and identifiable as to location. Contrariwise, little was known as to the availability and location of well-developed programs of individualized supportive services for the physically limited student. It was learned that the Bureau of Education for the Handicapped (Division of Innovation and Development, Research Projects Branch) of the Office of Education, HEW, is currently funding a project designed to collect this type of information. This project is directed by Mr. John Doucette, ABT Associates, Cambridge, Massachusetts.

Letters were written to or telephone contact was made with all of the colleges suggested as having individualized supportive services programs. Two out-of-state programs were identified and visited, and each two-year college identified in Texas as having an identifiable supportive services program for physically handicapped students was also visited.

A. Community College of Denver, Denver, Colorado

The Dean of Student Services and the Project Director visited Denver Community College Center for the Physically Disadvantaged on April 11, 1975.

When Denver Community College first began in 1967, a rehabilitation counselor contacted the college on the first day of registration, desiring to enroll 11 profoundly deaf students in the school; so the program began as a deaf program and remained so until 1972, when it was expanded to include all handicapped. The current enrollment of handicapped students is 370 on 3 campuses. Original funding was provided by the Rehabilitation Department, Health, Education and Welfare and by soliciting donations. At one point when the program was threatened, the student body donated $10,000. During its 1974 session, the state legislature voted to provide $250,000 yearly for autonomous funding for the program. The program is under the direct administration of the President of the College and has an advisory committee that was instrumental in obtaining permanent funding through state legislation.

The staff includes one Program Director, a counselor for the blind and deaf, a counselor for the other handicapped, a supportive services coordinator, a health specialist, two tutorial specialists, a vocational technical evaluator, five interpreters, a schedules coordinator, various student assistants and several secretaries. The staff rotates between campuses with a coordinator on each campus.

Supportive services include vocational testing and evaluation, tutorial, personal aides, transportation, health care, readers, pre-registration, interpreters, notetakers, special counseling, special

parking, personal adjustment counseling, liaison with faculty, job placement, mobility aides, a wheelchair basketball team and special classes for the deaf in language development.

When a problem occurs with a faculty member, the instructor is invited to discuss it with the Program Director. If a solution is not found, a meeting is attended by the instructor, the Program Director, the student, the student's counselor and any other relevant personnel. If a solution still isn't found and the instructor remains adamant, the student is transferred to another class. It was indicated this seldom happens.

The tutorial area is equipped with the latest media and learning equipment. A light flashes when the bell rings on the typewriter for the deaf. A talking board is provided those students who lack speech, and tutoring is done on an individual basis. Tutors are students at the Denver Community College.

The entire program is well organized, sophisticated and comprehensive; and the hard work that has gone into it is apparent.

B. East Central State College, Ada, Oklahoma

The Dean of Student Services, Dean of Technical Education, Director of Counseling Services, Director of the Social Science Division, all of McLennan Community College, and the Project Director visited East Central State University on April 1, 1975.

The Director of Human Resources served as the host. The University had become interested in alleviating architectural barriers on campus,

as the school was built in 1910, and many of the buildings have multiple steps and stairs. In 1971 a grant of $80,000 was received from HEW for this purpose.

In order to make the campus accessible to the handicapped, many modifications were necessary. Elevators have been installed in every multi-story building, ramps in strategic locations (including one which de-ices during winter months) and numerous curb ramps have been built. Housing has been made accessible in men's and women's dormitories with modifications where necessary.

Initially, three handicapped students were selected, one in a wheelchair and two blind. (The young man in a wheelchair is currently a special services counselor at the school.) No supportive services were provided for the initial students. There are currently over 200 handicapped students on campus in all categories. Some supportive services are provided on campus by the Special Services Department. Services included tutorial, attendant referrals and pre-registration. Supportive services do not seem to be well organized. The main emphasis of the program is the modification of the physical plant.

A few deaf students were enrolled, and it was felt they were not very successful. No special services were provided the deaf except interpreters. A remedial English class for the deaf is being planned for next year. One staff member has developed special techniques for teaching physics to the blind.

The day ended with a discussion concerning problems of the faculty with handicapped students in their classrooms. This problem had not

been investigated.

C. Northeast Campus, Tarrant County Junior College District, Ft. Worth, Texas

The Project Director and an assistant visited the SCOOP Program from 9:30 a.m.-5 p.m. on Tuesday, March 18, 1975.

During the 1971 spring semester a deaf student, who was a client of the Texas Rehabilitation Commission (TRC), was unable to retain his on-campus interpreter due to a lack of funds by TRC. The Dean of Student Services was able to secure funds for the student's interpreter for the remainder of the semester and wrote a proposal to the Texas Education Agency for interpreter service funds for the next year. The proposal was approved and several deaf students attended the school the following year. Mrs. Joan Fernandes became the SCOOP Director in 1973. The program was expanded, and TRC is the present funding agency.

SCOOP has 71 students in the program. Included are hearing impaired, wheelchair students, blind, and many others with various physical disabilities.

Regular staff members are:

SCOOP Director	2 part-time Placement, Recruitment Assts.
Secretary	Media Attendant
Schedules Assistant	3 Interpreters
Teacher Aide	2 Work Study Assistants
Chauffer	Several volunteers

A slide presentation was shown about the SCOOP program, as well as photographs taken of students and newspaper articles about the Handicapped Awareness Day held on campus.

The various roles and duties of the staff members and some of the problems they have encountered were discussed. Most of the problems were minor, like the difficulty of relating to some of the students and a few problems with some faculty members. The atmosphere of the SCOOP office was one of intense involvement and interest in the students.

SCOOP obtained a van in 1974 from TRC; the van serves both the Northeast and South Campuses, as does the entire program of supportive services. Transportation of students has presented some problems because of the size of the community and because the one van is used for both campuses. Other support services include interpreters, notetakers, readers, personal aides, special counseling and pre-registration.

The South Campus was also visited. Elizabeth Davis is Teacher Assistant on that campus, and TRC provides a courtesy counselor for its clients. The South Campus program was not as impressive as the Northeast program. The South Campus serves 26 students, has access to media equipment, tutorial and learning laboratory services and reader services. Mrs. Davis was unable to answer many questions since she was a new member on the staff and was not well acquainted with the program functions.

D. Lee College, Baytown, Texas

On April 30, 1975, a member of the professional counseling staff at McLennan Community College and the Project Director visited Lee College and their Program for Hearing Impaired Students. The program was begun two years ago; is funded by the Texas Rehabilitation Commission; and has about 50 clients enrolled.

The staff includes a TRC counselor, an interpreter-coordinator, six full-time and several part-time interpreters, a social adjustment counselor, who is hearing impaired, and a secretary. Services include interpreters, notetakers, vocational counseling and testing, social adjustment counseling, tutoring, a language development class, social activities on and off campus, off-campus group housing, media equipment and pre-registration.

An integrated English class, a special class for the deaf in language development and integrated classes in printing, drafting and radio-TV repair were visited. Special classes are offered in remedial math, but on different days than the visit. No instructors were averse to having deaf students in their classes; but there were some problems with language, especially in the students ability to learn and comprehend technical terms. Interpreters attended classes with all of the hearing impaired students, but were unfamiliar with technical terms and unable to properly explain their meanings to the students. Many of the students will actually graduate as assistant technicians rather than full technicians because of these problems.

The majority of the students are enrolled in technical-vocational programs, and each summer a six-week evaluation program is attended by new students. The students receive campus orientation and spend two-three days in each vocational program in order to become familiar with the machinery, equipment and material, as well as investigating the functions of the particular occupations. At the end of the six weeks, a student must choose a program and enroll in it.

A video tape of Deaf Awareness Day on campus was viewed, which included a delightful talent show by deaf students.

The atmosphere of the program was one of involvement and interest by the staff, and the rapport between staff and students was obvious on all levels.

E. Eastfield College, Dallas Community College District

Eastfield College has a program for the deaf which provides interpreter and notetaker services for about 40 students which was visited by the MCC Project Director on June 20, 1975.

The program is directed by Miss Ward, who coordinates services on the four Dallas County Community College campuses.

Due to grant stipulations, the program only provides services for the deaf, although a new proposal is being submitted to the Texas Rehabilitation Agency (funding agency) for expansion into a full services program beginning fall, 1975.

An English instructor on campus developed a language learning class for the deaf students, and it is considered extremely successful.

The new proposal includes a coordinator to provide services on each campus. The number of other physically limited students has not been determined, but it is known there are several on each campus.

Miss Ward is optimistic about the future of the program.

II. Survey of "Status Quo" in Texas Post-Secondary Institutions

A brief survey form was sent to the Dean of Student Services in late April, 1975, of 120 post-secondary institutions (two year and four year) in Texas to gain a "feel" as to the institution's cognizance of handicapped students and "who was doing what for whom." This survey activity was not a part of the original project proposal.

Responses were received from 73 of the 120 post-secondary institutions surveyed, a survey return of 60.8%. Only one survey form was sent to each institution. No additional follow-up or contact was attempted.

About one-half of the respondent institutions indicated that they had no individualized supportive services available and yet some of these listed some services available on their campus. The remaining one-half of the institutions stated that they had individualized supportive services; but many of these offered few services; and the services offered were the same as those offered to all students, e.g., pre-registration. Few indicated well-developed programs.

The comments made indicated a great interest in expanding individualized services to the handicapped and a realization that much more could and should be done. Evidence indicated several institutions are developing programs of supportive services and programs to minimize physical and architectural barriers. Special publications outlining supportive services for the handicapped were received from the University of Texas at Arlington, the University of Houston, and Paris Junior College.

The following individualized supportive services were indicated as

being available (listed in rank order with the number of institutions being in parentheses):

Special parking (35)
Special counseling (34)
Pre-registration (29)
Job placement (22)
Adaptive physical education (21)
Tutorial services (21)
Reader services (19)
Mobility aides (18)
Personal/visual equipment (14)
Testing/evaluation (11)
Transportation (9)
Interpreters (6)
Note takers (5)
Socialization classes (4)
Special classes (4)
Social activities (1)

Sixty-four of the responding institutions estimated that they had 4,100 handicapped students enrolled during the spring semester of 1975. It was apparent that this type of information was not readily available on many campuses/the respondent did not know where to seek the information on campus. The respondents were even less able to identify the type and number of physical handicaps on their campuses.

Of the 4,100 handicapped students enrolled, some 70% were identified as receiving support from the Texas Rehabilitation Commission; 3.8% received support from the State Commission for the Blind; 17.8% were receiving VA Vocational Rehabilitation benefits; 8.4% received support from other sources.

III. Advisory Committee

An Advisory Committee consisting of community and College representatives was formed to assist in ascertaining the breadth and scope of individualized supportive services needed on campus; to assist in the identification and

recruitment of students; and to help inform the community about the program of services available.

The following persons agreed to serve on the Advisory Committee to the Support Services for the Physically Limited at McLennan Community College.

Director, Speech and Hearing Clinic
Baylor University, Waco, TX

Rehabilitation Counselor
Texas State Commission for the Blind
Waco, TX

Supervisor
Texas Rehabilitation Commission
Waco, TX

Executive Director
Goodwill Industries, Waco, TX

Supervisor, Counseling and Rehabilitation
VA Regional Office
Waco, TX

Program Coordinator, North Central Texas
Region Day School Program (deaf education)
Texas Education Agency
Waco, TX

State Representative
Lyndon Olson, Jr.

State Representative
Lane Denton

Director, Special Education
Waco Independent School District

Director, Mental Retardation
Waco-McLennan County Mental
Health-Mental Retardation Center

Director, Community Programming
Economic Opportunities Advancement Corp., Waco, TX

Director, Blind Clinic
Waco VA Hospital

County Judge
McLennan County

Director, Central Texas
Rehabilitation Center
Waco, TX

Director, Education Service
Center, Region XII
Waco, TX

Two MCC students

MCC Administrative Staff:

Dean of Instruction
Dean of Student Services
Dean, Technical Education
Director, Administrative Services

Coordinator, Support Services
for the Physically Limited

Vice-President, Program
Development

Two meetings of the Advisory Committee were held on April 4 and May 23. One meeting was devoted to a presentation by Joan Fernandes, Director of SCOOP (Service Center for Opportunities to Overcome Problems) at Tarrant County Junior College. She shared a slide-sound presentation and written materials

with the Committee.

The other meeting was devoted to explaining the purposes of the Supportive Services Program at McLennan Community College and receiving reactions/discussion from the group. Discussion centered around the need for student outreach, methods of identifying potential students, public awareness of the program and the role of the Advisory Committee. It was strongly suggested that a limited number of students be served initially so as to enhance the success of the program.

IV. Key Supportive Services for Physically Limited Students Potentially Available from Local Agencies

The following listings indicate the types and scope of supportive services available, particularly in the service area of McLennan Community College. Similar services would be available, in some form, in the service areas of other post-secondary area vocational schools within Texas. The names in parentheses indicate the person with whom the accuracy of this information was checked. The listings are not considered to be exhaustive or complete.

Texas Rehabilitation Commission
(Mr. Richard Jurek, Director)

TRC can provide the following services for their clients:

Diagnostic, medical, and psychological testing and care; aptitude and career testing, counseling, and evaluation; personal and social adjustment counseling; tuition, books, supplies, fees, monthly maintenance for personal and transportation needs, and specialized equipment. TRC counselors maintain contact with their clients to evaluate their program and ascertain their needs and job placement is available upon completion of training.

State Commission for the Blind
(Mr. F. B. Kimbell, Director)

State Commission for the Blind provides vocational counseling, testing, and evaluation; personal, psychological, and social adjustment counseling; independent living skills training; mobility training (cane travel); medical

diagnosis and care; transportation, reader service payment, tuition, books, supplies, and fees. Counselors remain in contact with their clients and assist them with job placement upon completion of training.

Veterans Administration Regional Office
Vocational Rehabilitation Department
(Mr. McGraw, Vocational Rehabilitation Specialist)

The VA can provide the following services for service-connected disabilities:

Monthly allowance, vocational and psychological testing, counseling, and evaluation; special equipment, medical diagnosis and care; personal aides, clothing allowance, transportation, tuition, fees, books, supplies, and special restorative services, tutorial services for the nine months of school attendance. Non-service connected disabilities are entitled to evaluation; and both groups may receive up to 250 hours of college work study paid by the VA, if they are performing duties concerning other veterans. VA counselors maintain contact with their clients and obtain specialized services and equipment when requested.

Counselors from the above-named agencies have agreed to work closely with the Director of Support Services for the Physically Limited program to ensure the physically limited student is receiving the best services possible through coordinated services.

AGENCIES THAT CAN PROVIDE SERVICES ONLY:

Lighthouse for the Blind
(Mr. James Freeman, Director)

Referrals
Job training
Sheltered workshop
The Director is interested in the socialization of the blind and wants to be informed about any social activities.

Central Texas Rehabilitation Center
(Mrs. Betty Pettis, Director)

Physical, speech, and occupational therapy
Audiological testing and evaluation
Psychological and social evaluation and counseling
Socialization programs
Information regarding orthopedic equipment
Parent education programs
Referral to MCC Support Services for the Physically Limited program

Goodwill Industries, Inc.
(Mr. Al Garrett, Director)

Rehabilitation and employment
Work evaluation
Work adjustment training
Personal and social adjustment training
Referral to MCC Support Services for the Physically Limited program

Social Security Administration

Supplemental security income
Disability social security

Baylor University Speech and Hearing Clinic
(Dr. Gardner Gately, Director)

Audiological testing and evaluation
Total communication training
Speech therapy
Hearing aid assessment
Assistance in identifying interpreters trained in total communication

Neighborhood Centers of Economic Opportunities Advancement Corporation
(action agency) - (Mr. Oscar DuConge, Director)

Budgeting, housing, health care, nutrition, alcohol, and drug abuse Counseling
Referral to and distribution of information about the MCC Support Services for the Physically Limited program

Information and Referral Service of Action Planning Council (United Way)
(Mrs. Barbara Dever, Director)

Distribution of information about MCC Support Services for the Physically Limited program
Referral to MCC Support Services for the Physically Limited program

Texas Employment Commission
(Mr. Marvin Wheat, Manager)

Job placement
Job counseling
Aptitude testing and evaluation
Referral to MCC Support Services for the Physically Limited program

Bi-County School for the Deaf (Waco)
(Mr. Reese, Principal)

Information on techniques, equipment, and material for deaf education
Referral to MCC Support Services for the Physically Limited program

Region XII Education Service Center
(Mr. Mack Mullins, Director)

Resource and research library
Materials and equipment for instruction of the handicapped
Visual transparencies for instruction
Films
Taped material

North Central Texas Region Day School Program (deaf), Texas Education Agency
(Mrs. Kitty Ferguson, Program Coordinator)

Reserved parking
Assistance with housing
Assistance coordinating transportation
Assisting with mainstreaming physically limited students into campus activities
Information on deaf education
Support for class in language development for the deaf
Referral to MCC Support Services for the Physically Limited program

Housing Authority of Waco
(Mr. Erwin, Executive Director)
(Mrs. Naylor, Administrative Assistant)

Low income housing
Referral to MCC Support Services for the Physically Limited program

March of Dimes
(Mrs. Beverly Jacobs, Director)

Purchase of orthopedic equipment
(Normally for children, but exceptions are made)

American Red Cross
(Mrs. Fulmer, Director of Safety Services)
(Miss Susan Svetlik, Coordinator of Volunteer Services)

Assistance in training instructor and aides in handicapped swimming techniques, canoeing, and sailing
Blood bank
Veterans Emergency Fund
Civilian Emergency Aid
Transportation by appointment
Referral to MCC SSPL program

Texas Department of Public Welfare
(Mrs. Harringer)

Homemaker service
Attendant care service
Food stamps
Referral to MCC SSPL program

Inter-Agency Transportation, Inner-City Ministry
(Mr. Sam Mofundro, Director)

Transportation to medical care, shopping, etc.
Referral to MCC SSPL program

Home Health Visiting Nurses (in-home), Waco-McLennan County Health Department

Skilled nursing
Physical therapy
Speech therapy
Homemaker-home health aid

Waco-McLennan County Mental Health-Mental Retardation Center
(Dr. William Pannabacker, Psychologist)

Psychiatric services
Testing, counseling, evaluation program, and medication
Alcohol and drug abuse counseling, alcohol program for women, half-way house for alcoholics

Waco Independent School District - Special Education Department
(Mrs. Reba King, Director)

Information on special education teaching equipment
Referral to MCC SSPL program

Kirk-Wilson (special education school), WISD
(Mrs. Sylvia Shipp, Principal)

Referral to MCC Support Services for the Physically Limited program
(physically handicapped students only)

McLennan Community College Student Services

Office of Veteran Affairs
(Ron Smith, Director)

Information and assistance for veterans and dependents in filling out federal forms, obtaining VA benefits, admission to the College, obtaining a tutor, and counseling

Office of Financial Aids
(Emory DeBose, Director)

Information and assistance with financial aid forms and types of financial aid available for which the student may be eligible

Placement Office

Assisting physically handicapped students in finding suitable employment on-campus and in the community

Office of Counseling and Testing
(Mr. Keith Geisler, Director)

Special counseling for physically limited students; coordinating activities with Director of Support Services

Office of Registrar
(Mr. Willie Hobbs, Asst. Dean of Student Services/Registrar)

Pre-registration for severely limited students

Office of Health Services
(Mrs. Blancne Willis, Director)

Information on developing and maintaining good health care; assistance with physical problems that may arise while students are on campus; keeping duplicate medication in office to be administered as the physician prescribed; knowledge of physically limited students' condition and medical situations that may arise.

MCC Staff and Faculty

All MCC personnel should develop and maintain an open, friendly, and informative attitude toward all physically limited students to facilitate positive attitudinal and psychological awareness of their problems.

V. Identification of Psychological and Physical/Architectural Barriers on Campus

Phase I of this project calls for the identification, and Phase II proposes the development and implementation of a program to minimize the identified physical and psychological barriers on campus.

A. Psychological Barriers - Three students and three former students of McLennan Community College were interviewed. Their general opinion was that most of the staff, faculty and students accepted them without reservations. They felt that all elements of the campus were very helpful and felt that there were few, if any, psychological or attitudinal barriers.

Two of these students were blind, two were cerebral palsied (one used crutches and the other a three-wheeled bicycle), one was an amputee (canes), and the other was paraplegic (wheelchair).

B. Physical Barriers - Senate Bill No. 111, Sixty-first Legislature, State of Texas (as amended by HB 1319-62nd Legislature and SB 613-63rd Legislature) indicates the specifications and standards that apply to all buildings and facilities used by the public whether constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state after January 1, 1972 (construction involving federal funds is included if in accord with prevailing federal law).

SB 111 incorporates the specifications established in 1961 by the American National Standards Institute, Incorporated as guidelines. Accessibility requirements in all federally constructed, owned and operated buildings, are contained in Public Law 90-480 (1968) which also incorporates portions of the American National Standards.

The State Building Commission, 1028 Stephen F. Austin State Office Building, P. O. Box 12427, Austin, Texas 78711, telephone 512-475-2941, has the primary responsibility for the administration and enforcement of SB 111. The SBC has been most helpful to this supportive services project and McLennan Community College by providing copies of SB 111, by sending their inspectors at the request of McLennan Community College to help determine and identify on-campus physical barriers and by providing the sketches and materials included in Appendix B.

Members of the SBC staff are available for conference, project review, building inspection or any other service which might relate to the elimination of architectural barriers to the handicapped.

Two inspectors from the SBC made an inspection and evaluation of the buildings and grounds of McLennan Community College on April 8, 1975; and a written report of their findings has been received. The inspectors were found to be knowledgeable and practical as to their suggestions.

McLennan Community College is fortunate in that its initial campus was completed and occupied in 1969, so that its physical barriers are relatively minor in comparison to older institutions.

VI. Identification and Recruitment of Students

The various agencies and individuals in the community providing supportive services for the handicapped and the Advisory Committee were asked for information and advice as to viable procedures and activities to be used to identify and recruit potential students.

One of the suggestions implemented was the insertion of an advertisement in the local daily newspaper. An ad was inserted for eight days, Sunday through Sunday, in both morning and evening editions and eight contacts resulted. A copy of the advertisement is included in Appendix A of this report.

Another suggestion implemented was the printing of a brochure related to the initiation and implementation of the supportive services program--2,500 copies were printed and given wide distribution both on-campus and off-campus. A copy of the brochure is also included in Appendix A.

Several news releases related to the program have been carried by local/area newspapers. The Program Director has been on TV and radio talk shows to tell about the program, and she has made presentations to the Board of Trustees and faculty of McLennan Community College plus various community groups and individuals.

Officials of the Texas Rehabilitation Commission, State Commission for the Blind, Veterans Administration, local public schools, United Way agencies, and other agencies have been most helpful and supportive. An adequate number of physically limited students (15-20) to justify the implementation of the supportive services is projected for fall, 1975; and these initial students will be carefully screened and selected. The Advisory Committee feels that an initial small but carefully selected group of students will enhance the success of the program; and, therefore, one of the best modes of identifying and recruiting additional students.

VII. Type and Scope of Requisite Individualized Supportive Services

Each physical disability presents its own unique set of problems, so that support services will have to be designed to compensate for the physical and sensorial limitations of the individual through the utilization of special equipment, personal services and other specialized services.

A. Personal Services

Among the potential different types of personalized help required will be:

Mobility Aides
Cafeteria Aides
Restroom Aides
Note Takers and Transcribers

Tutors for all subjects
Counselors (educational, career, personal)

B. Individualized services will be required in areas such as:

Registration
Financial aid
Transportation problems
Housing information
Teacher problems
Job placement (part-time and full-time)
Legal aid

C. A compendium of local resources, people and agencies, should be developed to which reference can be made when the program is unable to provide the service required.

D. The specialized equipment required will again depend upon the specific individual, but among some of the more basic specialized orthopedic and multi-media equipment needed will be:

Electric wheelchairs, heavy duty, with special attachments
Small bus or van with lift and tie-downs for wheelchairs
Transfer board and lifts
Exercise cycles, pool lift, pool bars, exercise rails, shower chairs
Right and left hand typewriters
Perkins Brailler
Taping equipment, including:
- Cassette tape recorders
- Bulk tape eraser
- Head demagnetizer
- Speech compressor

Braille typewriter
Quad canes
Rainproof ponchos
Automatic page turner

E. Adaptive physical education classes need to be developed, e.g., swimming and physical exercises with a wide range of activities that include coordination, muscle strengthening, toning and new skills and recreational activities that include leisure time activities, social games and, possibly, team competition in wheelchair basketball.

F. A special designed course is needed to help orient the physically limited students to the campus and its services and also enhance the social integration of the students into the community beyond campus boundaries.

G. A taped library needs to be built with every text or library book needed to be read onto tape. This could become a resource for the entire community or tied into any existing community resource.

H. Convenient on-campus parking needs to be developed with the number of spaces varying from semester to semester contingent upon enrollment.

VIII. Other Activities

A. The Project Director attended a one-day workshop in Austin on June 26 conducted by the Employment Resources Section of the Texas Rehabilitation Commission entitled "Government Supervisor Training Program" for the purpose of orientation, as well as to ascertain whether the program can be adapted for in-service experiences for our faculty and staff.

B. The purpose of the workshop is to make supervisors positively aware, affectively and cognitively, of the potential of the handicapped employee. The program is evidently a good one in that studies of over 600 participants evidences an 85% positive affective change and 96% cognitive change in participants.

McLennan Community College will pursue the co-sponsoring with TRC of similar workshops in the Waco area and possible adaptation of its contents for staff in-service.

B. The Project Director attended the Texas Junior College Teacher Association in February and made some valuable contacts.

C. A presentation was made to the Second Annual Research Dissemination Conference held in Austin, Texas,on May 7-9, 1975, by the Project Director outlining the objectives and activities of the project.

The Director was also able to attend the first meeting of new board related to the Texas State School for the Deaf and to meet with the top Texas education official in charge of the special education area.

D. Contacts were made with local and State of Texas rehabilitation officials as to the feasibility of funds being received to purchase some of the specialized equipment needed for the supportive services program. An Innovation and Expansion grant for this purpose in the amount of $19,800 was received for the period of June 30, 1975-June 29, 1976, and will be matched by in-kind contribution of $2,200 from McLennan Community College.

IX. Progress and Prospect

All of the major objectives of Phase I were accomplished to an acceptable degree with the quality of the Advisory Committee recruited and appointed to the project being outstanding.

Activities and accomplishments of Phase I that were not outlined in the original project proposal were:

1. Receipt of a grant from the Texas Rehabilitation Commission to purchase specialized equipment needed to individualize this supportive services program.

2. Becoming aware of and attendance by the Project Director at a Texas Rehabilitation Commission's "State Employment of the Handicapped Government Supervisor Training Program."

3. Surveying the extent of individualized supportive services within Texas post-secondary institutions.

The activities, information and results of Phase I tend to again underline the thesis of this project: Supportive services need to be developed at post-secondary institutions, so that physically and sensorially limited adults may be enabled to explore and successfully pursue career-oriented training/educational programs; so that they may become productive, socially adjusted and relatively independent citizens in our society.

Phase II will emphasize the development and implementation of a program of individualized supportive services.

APPENDIX B

EVALUATION AND CERTIFICATION PROCEDURES

EVALUATION AND CERTIFICATION PROCEDURES

Article 678g, VACS

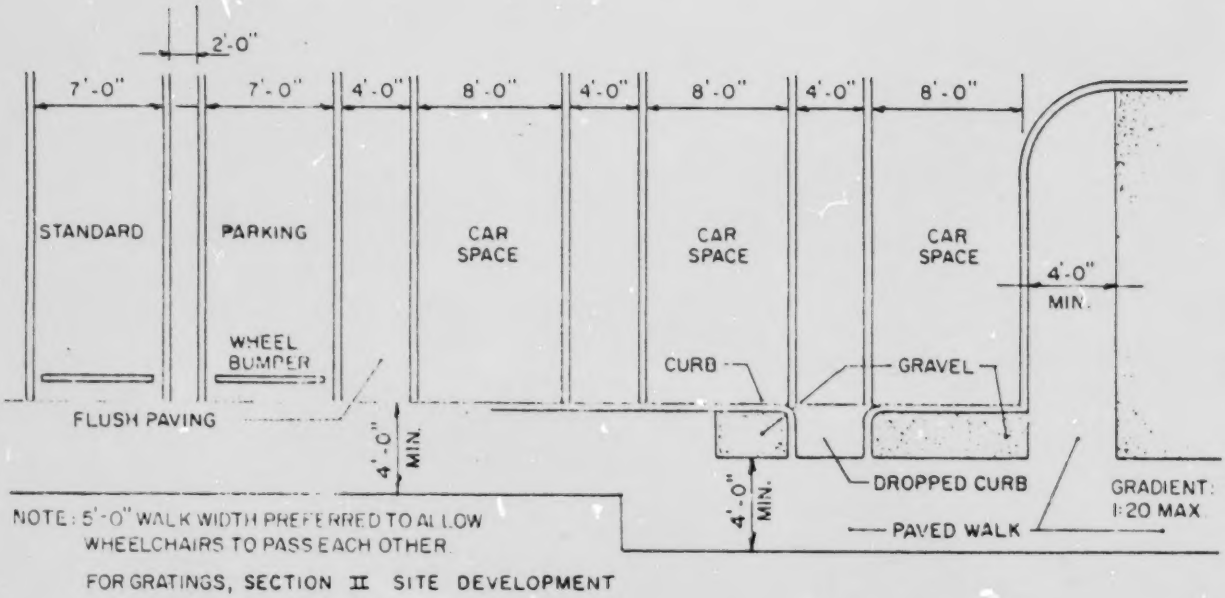
In order to assure barrier free public buildings in the State of Texas, the State Building Commission has established the following procedures and policies which should be followed by architects and building owners whenever a construction project is undertaken.

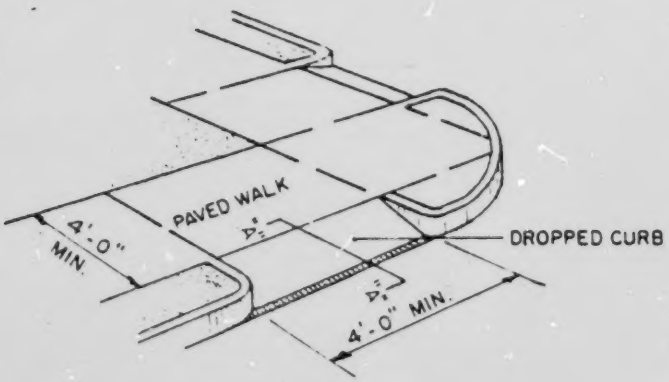
A. The initial step to certify buildings usable by the physically handicapped is for the public authority owning the project to submit to the State Building Commission: (1) Two copies of the "Certificate of Compliance," Form 102SBC911, as soon as compliance determination for each project can be made or (2) Two copies of "Request for Waiver," Form 103SBC911 for each project, which in the opinion of the public agency, unit or authority involved, should be excluded from compliance with certain provisions of the Law. Thorough justification must be shown on the waiver application. All documents must be executed by an employed representative of the public authority owning the building or facility.

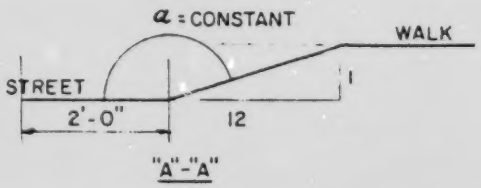
B. After receipt and review of the applicable forms, the State Building Commission will notify the authority if the project can be accepted as presented or if additional modifications will be required. Qualifying the project for certification can usually be accomplished by mail; however, more expedient and beneficial results can be sometimes obtained by conferences between owners, architects and representatives of the State Building Commission.

C. At the present time, submission of project plans or drawings is not required; however, it is a recommended procedure and one that eventually may become mandatory. It is also recommended that certification procedures commence during the planning stages in order to minimize modifications by change orders.

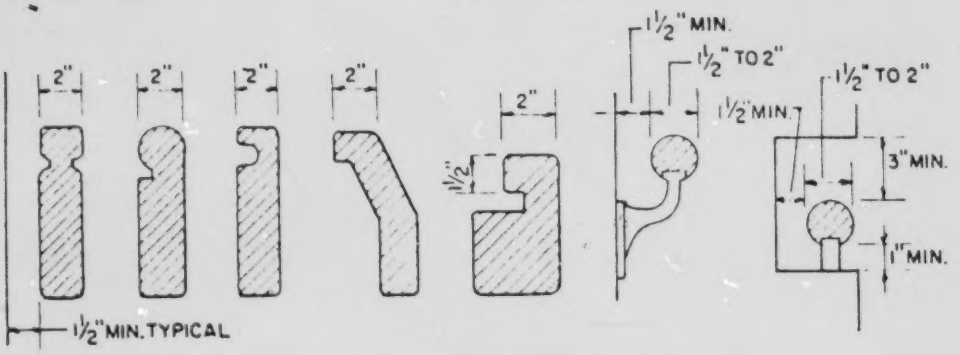
D. A physical inspection of the facilities is the final procedure of the State Building Commission to assure barrier free structures. It is our policy to conduct on-site inspections 10 to 30 days prior to the estimated completion date in order to allow enough time to make any minor adjustments that may be required. Certification will be granted upon completion of a satisfactory inspection relative to all applicable sections of the statute which are not waived.


2'-0"
7'-0"
7'-0"
4'-0"
8'-0"
4'-0"
8'-0"
4'-0"
8'-0"
STANDARD
PARKING
CAR SPACE
CAR SPACE
CAR SPACE
WHEEL BUMPER
CURB
GRAVEL
4'-0" MIN.
FLUSH PAVING
4'-0" MIN.
4'-0" MIN.
DROPPED CURB
GRADIENT: 1:20 MAX
PAVED WALK
NOTE: 5'-0" WALK WIDTH PREFERRED TO ALLOW WHEELCHAIRS TO PASS EACH OTHER.
FOR GRATINGS, SECTION II SITE DEVELOPMENT


PAVED WALK
4'-0" MIN.
DROPPED CURB
4'-0" MIN.


a = CONSTANT
WALK
STREET
1
2'-0"
12
"A"-"A"

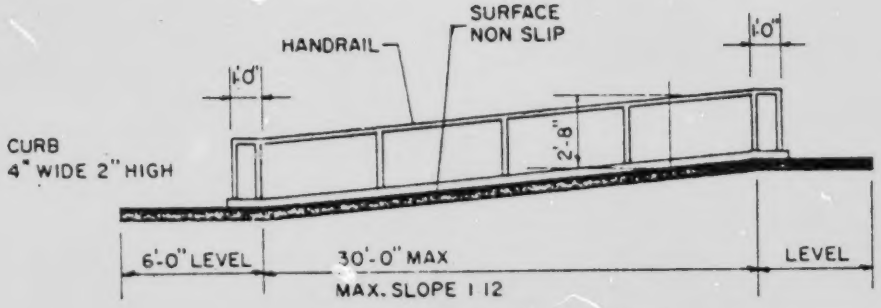
DRAWING No. 1



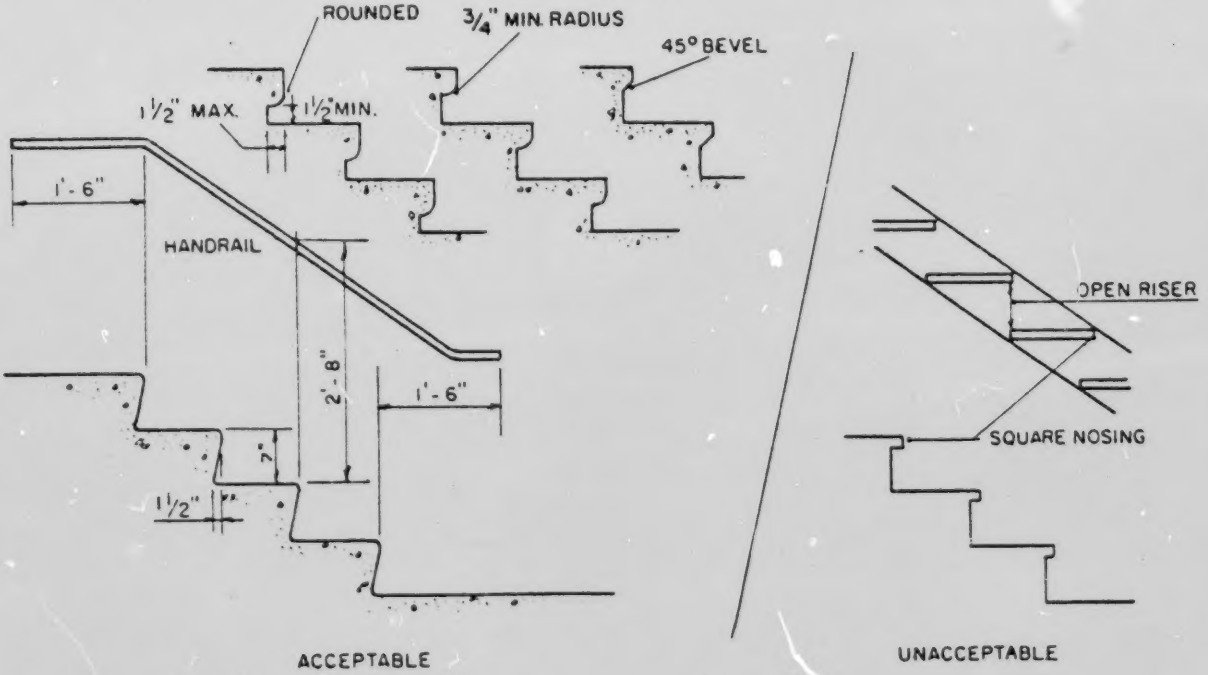
ACCEPTABLE TYPES OF HANDRAILS – OTHER EASY TO GRIP TYPES ACCEPTABLE

UNACCEPTABLE
DIFFICULT TO GRIP

RAMP AND STAIR HANDRAILS



RAMPS WITH GRADIENT



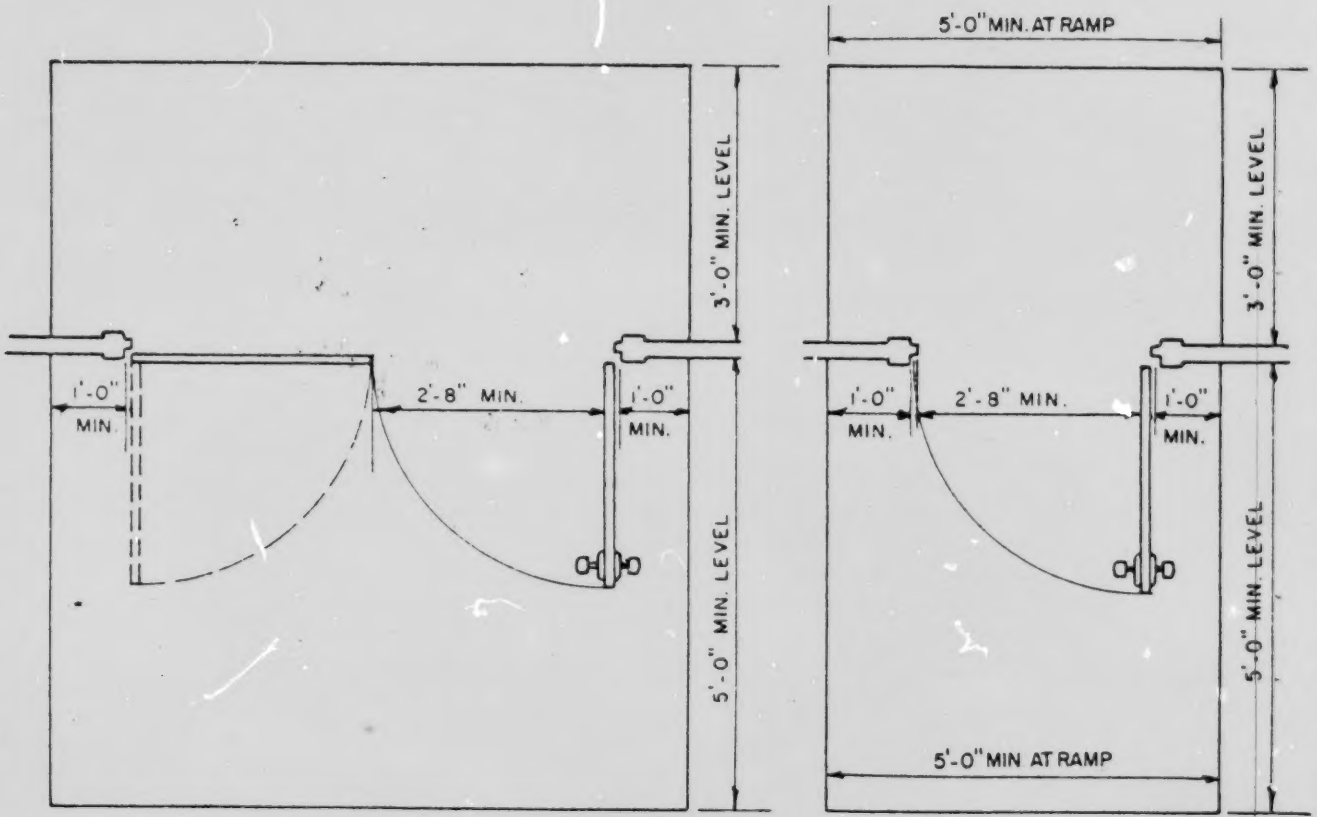
ACCEPTABLE

UNACCEPTABLE

STAIRS

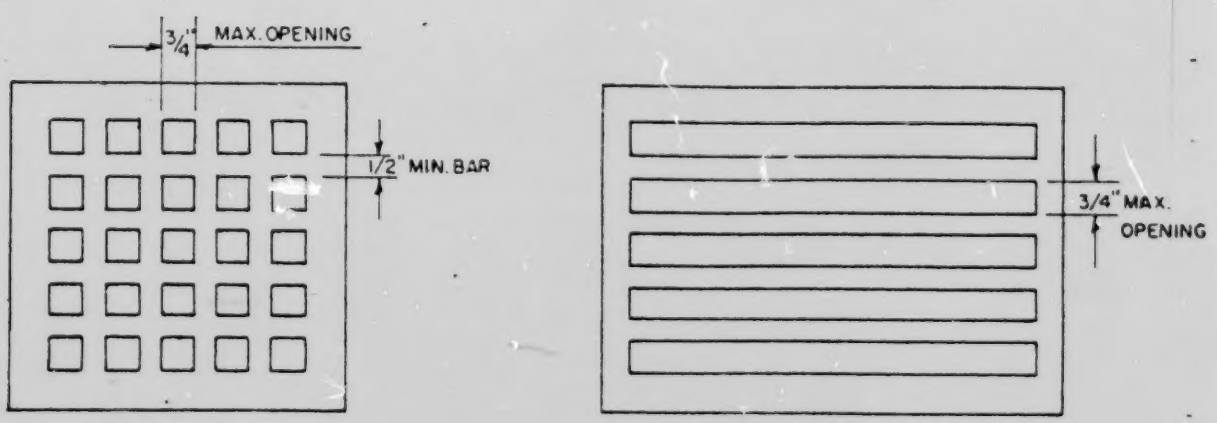
100

DRAWING No 2



DOUBLE DOOR

SINGLE DOOR

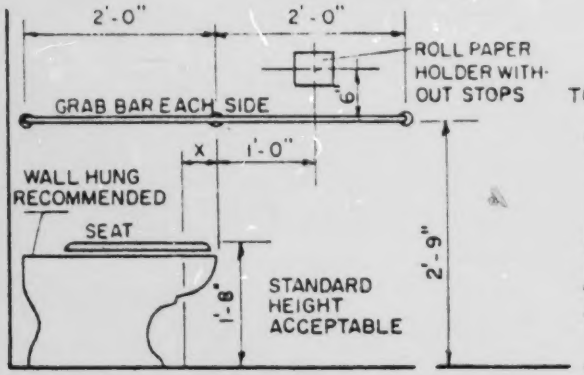


CAST TYPE

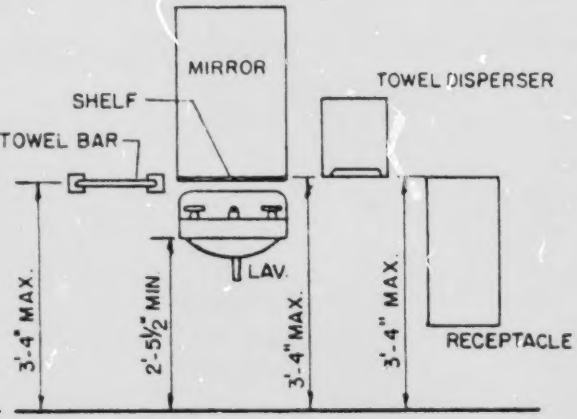
PARALLEL BARS

GRATINGS (AVOID GRATINGS IN PEDESTRIAN AREAS WHERE POSSIBLE)

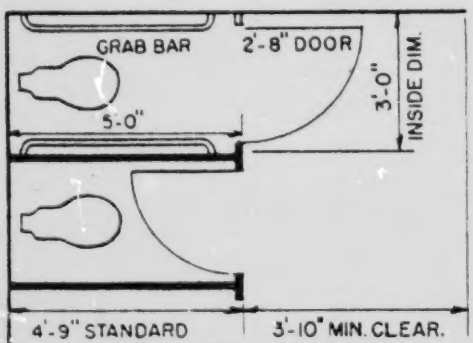
DRAWING No. 3



ELEVATION (X AS GREAT AS POSSIBLE)

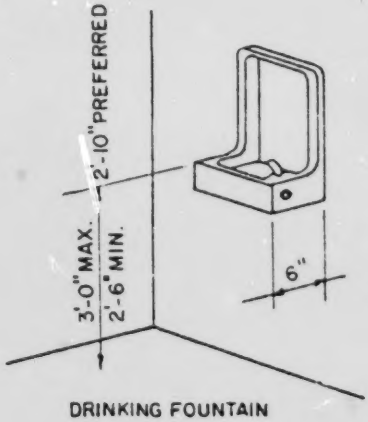


ELEVATION
NOTE: URINAL MOUNTING HEIGHT OPTIONAL

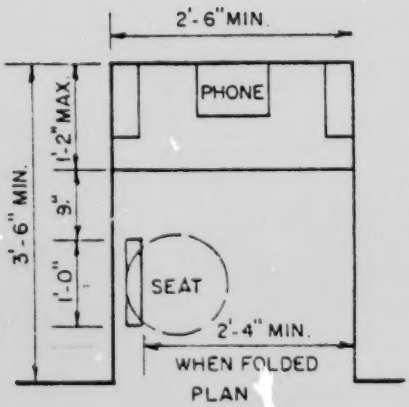


PLAN - PUBLIC TOILETS

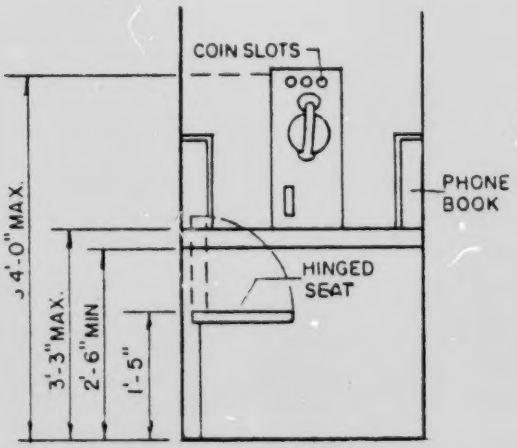
GRAB BAR



DRINKING FOUNTAIN



PLAN



ELEVATION

PUBLIC TELEPHONES

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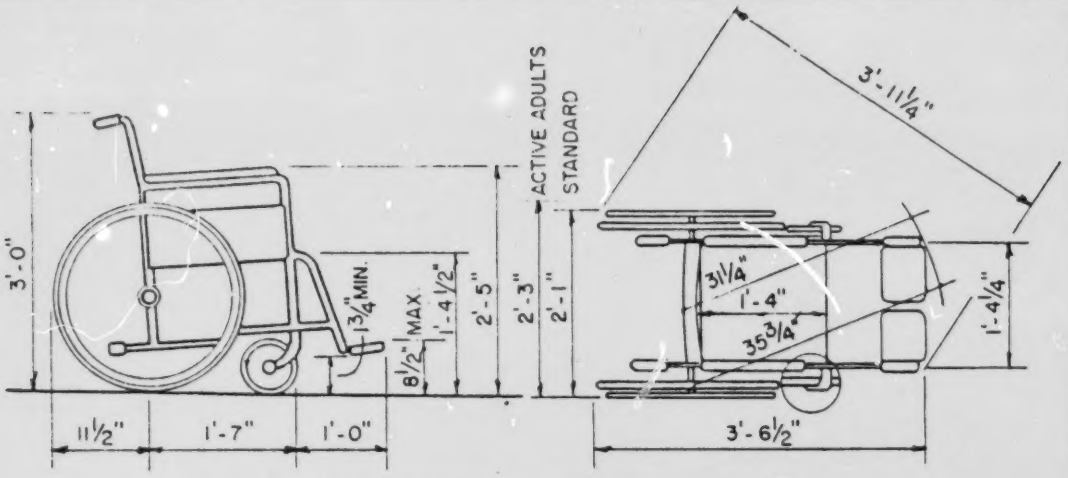
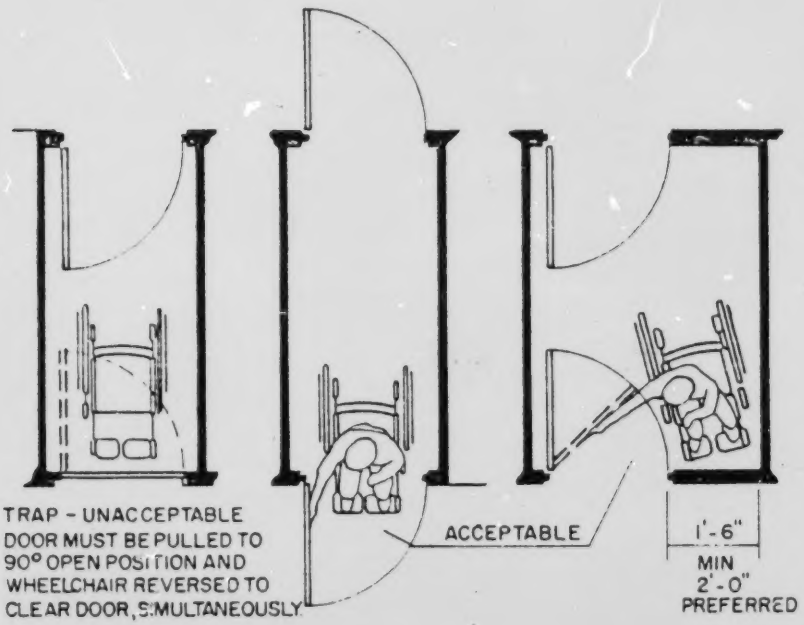
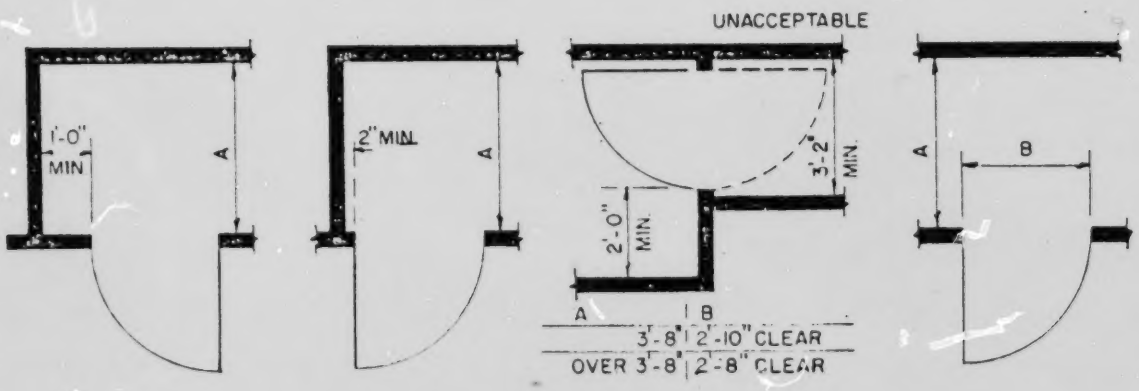


STANDARD WHEELCHAIR DIMENSIONS





PLANNING RESTRICTED SPACES

DRAWING No.

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BIBLIOGRAPHY

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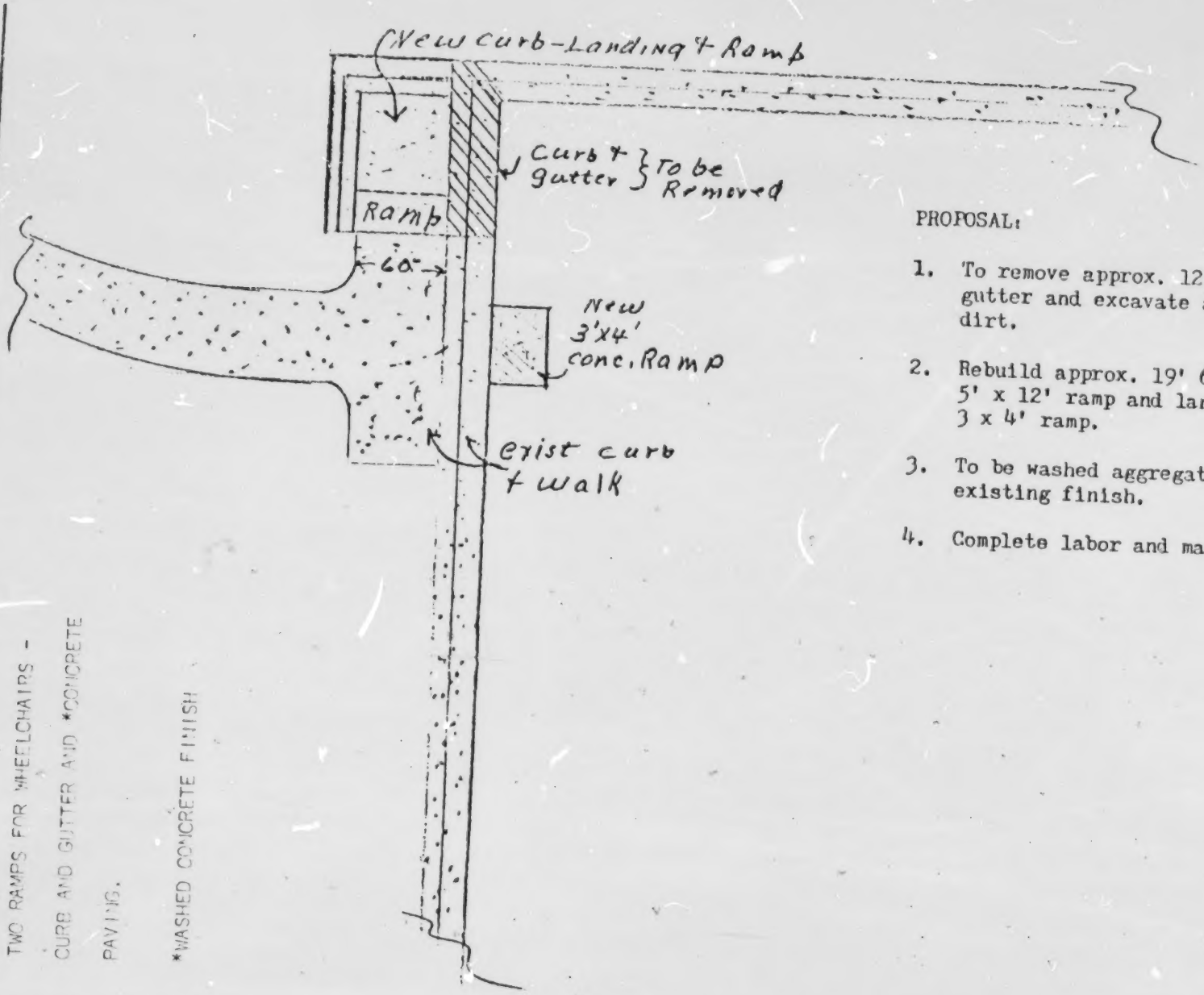
ATTACHMENT D

REMOVING ARCHITECTURAL BARRIERS

F.O. Bldg.



PROPOSAL:

1. To remove approx. 12' existing curb and gutter and excavate approx. 13 x 6' 66" dirt.
2. Rebuild approx. 19' 6" curb and gutter - 5' x 12' ramp and landing and one extra 3 x 4' ramp.
3. To be washed aggregate conc. similar to existing finish.
4. Complete labor and material - $425.00

TWO RAMPS FOR WHEELCHAIRS -
CURB AND GUTTER AND *CONCRETE PAVING.

*WASHED CONCRETE FINISH

National Center
for a
Barrier Free
Environment

8401 Connecticut Avenue
Washington, DC
20015

Telephone
703 620-2731

for more information
contact: Margaret Mil

Founding Members:

American Institute of Architects
Disabled American Veterans
Gallaudet College
Goodwill Industries of America, Inc.
National Congress of Organizations
of the Physically Handicapped
National Easter Seal Society for
Crippled Children and Adults
National Paraplegia Foundation
National Rehabilitation Association
Paralyzed Veterans of America, Inc.
President's Committee on
Employment of the Handicapped

for immediate release

ACCESSIBLE CAMPUS FACILITIES TO BE TOPIC OF WORKSHOP SERIES SPONSORED BY NATIONAL CENTER FOR A BARRIER FREE ENVIRONMENT AND ASSOCIATION OF PHYSICAL PLANT ADMINISTRATORS

A series of workshops on "Developing an Accessible Campus for the Handicapped" has been announced by the National Center for a Barrier Free Environment and the Association of Physical Plant Administrators of Universities and Colleges. Scheduled to be held in Washington, DC on September 21-23, in Palo Alto, California on November 9-11, and in New Orleans, Lousiana on December 7-9, the workshops will focus on practical techniques for removing barriers and will be directed primarily to university officials and design/construction professionals interested in educational facility design and modification.

Faculty members for the workshops are Timothy J. Nugent, University of Illinois Rehabilitation Education Center Director; Stephen Cotler, New York State University Construction Fund Accessibility Project Coordinator; and Ronald L. Mace, president of Barrier Free Environments, Inc., of North Carolina.

At the Washington seminar, the keynote address will be delivered by Sieglinde Shapiro, president of Disabled in Action

of Pennsylvania, Inc. The session will be moderated by Thomas A. Lillis, Director of Physical Plant of Gallaudet College, Washington, DC and a member of the Board of Directors of the National Center.

Registration fee for the seminar is $135. Applications are available from the National Center for a Barrier Free Environment, 8401 Connecticut Avenue, Washington, DC 20015.

* * * * *

ATTACHMENT E

ADVISORY COMMITTEE

ADVISORY COMMITTEE
SUPPORT SERVICES FOR THE PHYSICALLY LIMITED

Dr. Gardner Gately, Director
Speech and Hearing Clinic
Administration Annex
Baylor University
Waco, Texas 76703
755-2567

Mr. F. B. Kimbell
Rehabilitation Counselor
Texas State Commission for the Blind
1706 Washington Avenue
Waco, Texas 76702
752-9771

Mr. Richard Jurek, Supervisor
Texas Rehabilitation Commission
1702 West Waco Drive
Waco, Texas 76701
756-5401

The Honorable Lyndon Olson, Jr.
Texas House of Representatives
823 Washington Avenue
Waco, Texas 76701
756-4414

State Representative Betty Denton
Capitol Station
P. O. Box 2910
Austin, Texas 78769

Dr. Gary O. Pirkle, Supervisor
Counseling and Rehabilitation
VA Regional Office
1400 North Valley Mills Drive
Waco, Texas 76710
756-6511

Honorable Bob Thomas
County Judge, McLennan County
Courthouse
Waco, Texas 76701

Mrs. Kitty Ferguson
Program Coordinator
North Central Texas Region Day School
Program (deaf education)
P. O. Box 487
Waco, Texas 76703
756-1885

Ms. Reba King
Special Education Director
Waco Independent School District
P. O. Box Drawer 27
Waco, Texas 76703
752-8341

Mr. Al Garrett, Executive Director
Goodwill Industries
1000 East Waco Drive
Waco, Texas 76704
753-7337

Mr. Randy Green, Director
Blind Clinic
VA Hospital
Memorial Drive
Waco, Texas 76703
752-6581

Mrs. Betty Pettis, Director
Central Texas Rehabilitation Center
1501 North 18th Street
Waco, Texas 76707
756-4447

Mrs. Sandra Anderson
(MCC student)
Route 3, Box 334A
Waco, Texas 76708
836-4210

Mr. Mack Mullins, Director
Education Service Center, Region XII
P. O. Box 1249
Waco, Texas 76703
756-7494

Mr. Sidney Allen
(MCC student)
621 Dunbar
Waco, Texas 76704
799-7594

(continued)

AT MCC:

Dr. Ron Smith, Dean of Instruction

Dr. LaVerne Wong, Dean of Student Services

A. L. Pollard, Dean of Technical Education

George E. Andreason, Director of Administrative Services

Catherine Kelley, Director, Support Services for the Physically Limited

Dr. Chester R. Hastings, Vice-President, Program Development

ATTACHMENT F

PROCEDURES
FOR
SUPPORT SERVICES FOR THE PHYSICALLY HANDICAPPED

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Procedures for Support Services for the Physically Limited:

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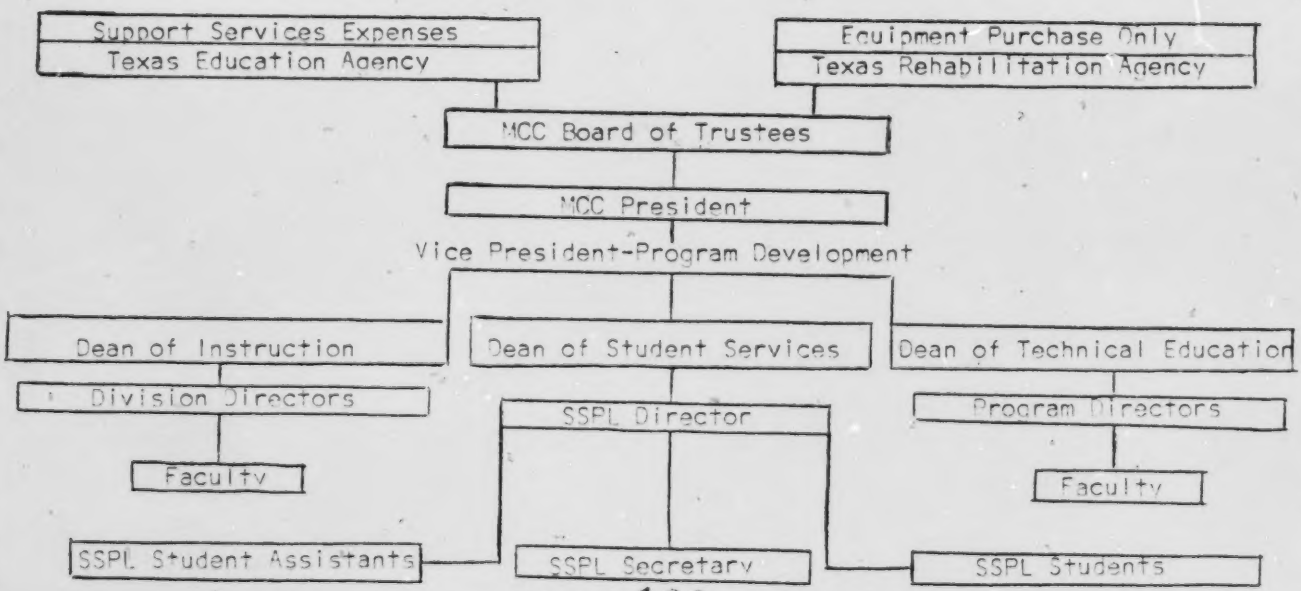
Director of Support Services for the Physically Limited

The Director of Support Services for the Physically Limited shall be responsible to the Dean of Student Services.

The direction of the Support Services Program for the Physically Limited Program is a professional position and specific duties should be performed with professional competence. The director should have adequate qualifications and experience to perform these duties:

1. Administer the affairs of the Program.
2. Coordinate the implementation and development of program services for the individual needs of the students.
3. Assist with and provide needed services and information for registration, enrollment, counseling, and scheduling of classes for such students after ascertaining the students' physical and sensory limitations.
4. Assess students' physical and sensory limitations to provide the registrar, counselors, and other relevant staff guidance in assisting the student select a program in which he can succeed.
5. Establishing and maintaining communication with agencies sponsoring students' and coordinate services with those agencies for the benefit of the student.
6. Establishing and maintaining inter-departmental and faculty communication regarding the educational and service needs of the students.
7. Recommending and coordinating supplemental or developmental instruction to enhance the academic achievement of the students.
8. Have knowledge of and recommend special educational material, equipment, and specialized media and mechanical equipment which will provide learning resources for the students.
9. Select and provide necessary staff to perform needed services and supplemental instruction for the students.
10. Maintain contact with instructors to determine areas in which students need supplemental instruction and in-classroom services.
11. Advise the Health Services Office of physical condition, limitation, medications, and provide any other information relevant to the students' health care.
12. Provide information, conferences, workshops, or any other methods to minimize physical, psychological, and attitudinal barriers that might inhibit the students' success for instructors and staff.


Support Services Expenses
Texas Education Agency
Equipment Purchase Only
Texas Rehabilitation Agency
MCC Board of Trustees
MCC President
Vice President-Program Development
Dean of Instruction
Dean of Student Services
Dean of Technical Education
Division Directors
SSPL Director
Program Directors
Faculty
Faculty
SSPL Student Assistants
SSPL Secretary
SSPL Students

13. Establish and maintain communication with the community to facilitate awareness and support for the program.

14. Develop and maintain communication with secondary feeder schools and other institutions and agencies that can refer students to the program.

15. Develop and maintain communication with agencies which can provide services and equipment for students that the college may not be in a position to provide.

16. Assist the student in alleviating personal, social, and adaptive problems.

17. Have knowledge of and refer students to proper agencies when problems arise that the program staff can not assist with.

18. Have knowledge of and provide students with information regarding housing, medical, financial, and legal aid.

19. Compile and keep progress records and other relevant information on each student.

20. Discuss students' progress and development with parents on request.

21. Establish communication with the Placement Director regarding job possibilities for students upon completion of programs.

22. Plan evaluation and follow-up for students upon completion of programs.

23. Be cognizant of and plan for expansion of program services and needs as student population increases.

24. Assist in preparation of program budget.

25. Maintain regular office hours.

SSPL FLOW CHART

SUPPORT SERVICES FOR THE PHYSICALLY LIMITED

Purpose

The purpose of Support Services for the Physically Limited is to provide individualized support services which will assist any physically impaired student to attend regular classes and courses at McLennan Community College. It is the further purpose of Support Services to remain flexible enough to allow for those needs which might be unique, assist the students in becoming adjusted to campus life, and minimize as many physical, psychological, and attitudinal barriers as possible. Therefore, physically limited students will be encouraged to participate in all phases of campus life while remaining aware that any assistance needed for success, both academically and socially, will be available.

Services

1. Pre-registration

   Pre-registration is important because it allows the physically limited student to enroll and schedule classes without undue physical hardship. It is equally important because, with pre-knowledge of class schedules, Support Services for the Physically Limited staff can arrange in advance and prepare for the supportive service each individual will require.

2. Special Counseling

   Special counseling will allow the counseling staff to work with each student in order to create a course of study best suited to that student's needs and academic endeavors in view of his physical limitation. It is equally important to set up his class schedule so that the accessibility and location of his classes are taken into account.

3. Mobility Aides

Aides for those persons in wheelchairs who cannot push themselves to and from classes are essential. Although for that particular type of individual, a motorized wheelchair would offer independent freedom of movement, until the program has the means to provide them, student or other assistants will be used. Mobility aides will also be provided for the blind until they receive on-campus orientation from a professional mobility instructor.

4. Reader Service

Reader services are an absolute necessity for the blind student. On-campus readers will provide the blind student taped textbooks, homework assignments, exams, and tests, and in-classroom assistance when necessary.

5. Notetakers

Student or other assistants will take notes in classrooms for the deaf, and orthopedically handicapped who are unable to write, and transcribe taped material to print.

6. Interpreters

Each hearing impaired student who has a need will be assigned an in-classroom interpreter as well as for counseling, registration, and other on-campus interpretive needs.

7. Individualized or Group Tutoring

One-to-one or group tutoring will be available to any physically limited student who needs extra help for successful achievement.

8. Class Scheduling

Particular attention will be paid to the actual location of classes to insure accessibility as well as distance between classrooms in the event of limited mobility.

9. Personal Aides

Any physically limited student who needs assistance to use the restroom, get lunch and snacks, and transfer from one locale to another, will be assigned an assistant to help perform those functions.

10. Special Parking

For students in wheelchairs or with limited mobility, special parking places will be reserved in the closest parking areas to that student's classes.

11. Adjustment Counseling

Because it may be difficult for some students to become adjusted to college routines and activities, special counseling in these areas will be provided.

Students

Support Services has established services for anticipated needs, but hopes to remain flexible enough to respond to problems that may be unique to the individual. Adaptability will give strength to the program while broadening the base for future expansion of services. The main concern is the success of the students, and educational training is only one aspect of their lives. View the physically limited student as a total person with needs of various kinds, some of which Support Services may be unprepared or unable to meet. In such cases, listen to their problems and help if possible, or refer them to the proper organization, agency, or person who can provide them with the services to assist in solving those problems.

Students should be treated with dignity and courtesy at all times and services should be provided as quickly and as efficiently as possible.

While services should be tailored to individual needs, they should be arranged to be as least time-consuming as possible. For example, students

taking the same classes can be tutored together, office assistants can be utilized as mobility and personal aides, and taped books can be duplicated for students using the same books.

Students requiring a mobility aide should be at the designated location promptly and with dependability. It is very threatening for a student to be forgotten and stranded without the means of getting where he needs to go.

PROGRAM PROCEDURES

Support Services is funded by Texas Education Agency and Texas Rehabilitation Commission. The Director should become thoroughly familiar with these grants and how they are to be used. It is also the duty of the Director to assist the Dean of Student Services and the Vice-President/Program Development in preparing the Program budget for each fiscal year. The Director should bear in mind that the Program budget should be based on the projected number of students for the up-coming fiscal year, including summers.

Agencies

Contact with all agencies should be established and maintained for the benefit of the student. Texas Rehabilitation Commission will sponsor most of the students and rapport should be fostered with the Texas Rehabilitation Commission counselor when contact is first made with any student. If a potential student is not a client of Texas Rehabilitation Commission, he should be sent there or call for an appointment as soon as possible. The same applies for the State Commission for the Blind, the Veteran's Administration, and any other sponsor agency.

Financial Aid

All financial aid for Support Services for the Physically Limited should

be handled as for other students - through the Financial Aid Office. Support Services for the Physically Limited students may need assistance in filling out financial aid forms and other forms pertaining to admission.

Veteran's Affairs

This office coordinates services for disabled veterans. Their job also consists of requesting special equipment and services for service-connected disabilities through the Veteran's Administration office.

Campus Publications

All interesting and relevant information should be sent to the Campus Publications Director for publishing in the Campus newspaper.

Administrative Services:

Office of the Dean of Instruction

1. arrange pre-pulling of class cards
2. should o.k. any material given directly to instructors
3. consult on feasibility of moving classrooms

Office of Administrative Services

1. arranges employment of all non-student personnel
2. arranges reserved parking spaces
3. arranges for office equipment repair

Office of the Financial Vice President

This office handles all details and specifications for all off-campus requisitions.

Office of Public Relations

This office should be used for all public media contact.

Other Staff

Media Center

1. borrow tape recorders
2. duplicating tape recordings
3. makes signs and posters
4. can video-tape
5. order and show films

Subject Area Coordinators or Program Directors should be contacted for referral of tutors within their subject area and individual instructors should send a letter, or make a telephone call, qualifying the tutor.

Student Assistants

See job qualifications in the appendix Ia.

Interpreters - Tutors

See job qualifications in the appendix Ib.

Clerical

See job qualifications in the appendix Ic.

Secretary

See job qualifications in the appendix Id.

Student Services:

Student Activities

1. housing list
2. transportation
3. student body funds for socialization
4. special I. D. cards, special parking, etc.
5. operation of club

Health Services

This department should have a list of students with age, disability, Doctor's name, who to notify in event of emergency, history of any attacks or seizures, and duplicate supply of all medication students would take

during school hours. Also, weight watchers clubs are on campus. An extra supply of clothing should also be kept for students who might have an "accident."

Counseling

1. aptitude tests
2. career counseling
3. personality counseling and testing
4. English placement testing
5. special counseling
6. academic counseling
7. help with personal problems, etc.
8. refer for G.E.D. and A.C.T. tests
9. study habits.

Placement

All student assistants are hired through the Placement Office, including those recommended by faculty as tutors. Work closely with Placement director in finding jobs for Support Services students graduating into the job market.

Registrar

The registrar arranges pre-registration for Support Services students. They also consider prospective students for enrollment that do not meet enrollment criteria. Support Services students may need assistance in filling out admissions forms and registration packet. The registrar's office also handles follow-ups on transcripts, etc.

Faculty

The Dean of Instruction should be consulted to establish communication with faculty members, but the SSPL Director should

initiate and maintain contact with faculty regarding students progress.

At the beginning of each semester, all faculty members should be notified of the SSPL students in their classes, any special problems, and any manner in which the instructor can assist the student. Comments from instructors should be invited.

A monthly student evaluation form should be sent to the faculty to determine each student's progress and the results should be sent to the sponsoring agency. Any low grades, poor attendance, or class performance should be discussed with the student and every effort should be made to alleviate the problem.

Equipment and Special Learning Materials

The SSPL Director should establish and maintain information on all equipment and special learning material that is available to facilitate the educational progress of the students.

An office copy of various catalogues, brochures, and other information, as well as some price lists, are located in the office of the SSPL secretary. The SSPL Director should become thoroughly familiar with this material. (Some information can be found in the appendix le).

Publicity

In order to increase public and community awareness of the SSPL Program, the Director should facilitate as much publicity as possible regarding the Program and its services through periodic contact with community agencies, the news media, and through any other channels available. All off-campus publicity should be approved by the Dean of Student Services, and the news media should be approached through the Director of Public information.

Architectural Barriers and Reserved Parking Signs

Although the MCC campus and buildings are modern and comparatively barrier free, there are a few needed modifications. All requests for modifications and the need for reserved parking spaces for students should be approved through the Dean of Student Services and brought to the attention of the Director of Administrative Services. Reserved parking spaces should be utilized only for students in wheelchairs and those with severe mobility problems, and should be located in the area nearest the building in which the student has the most classes.

Office Procedure

A typist-receptionist should be in the reception area at all times. Some students will require assistance in restrooms and for other personal needs, as well as help in the cafeteria, bookstore, library, etc. These persons can also double as mobility aides, but not as in-classroom assistants as the office would be unattended.

SSPL should have a full-time secretary and various student and non-student part-time assistants. (Maximum 20 hours per week). (See appendix 2a). The Dean of Student Services must approve all personnel.

All memos directed to the Dean of Student Services should be captioned FYA (For Your Approval) or FYI (For Your Information).

Complete files should be kept on each student with relevant information: the nature and extent of the disability, class schedule and instructors, any background material from sponsor agency, test results, and any other information deemed important (See appendix 3a - d) for Student Information Form, Class Schedule Forms, etc. These files should be deemed highly confidential as should any other personal information regarding the student.

An equipment check-out form should be maintained. (See appendix 4). All equipment should be numbered with written description correlating each number. Software can be labeled with dymotape. All office equipment, including wheelchairs, should be behind locked doors week-ends, holidays, and during nightly functions in the Student Center.

A daily time sheet should be maintained for student and other assistants. (See appendix 5 for this form).

A duplicate copy of all requisition forms should be kept and a separate accounting of supplies for the students from the bookstore should be maintained from the Program Office supplies.

The telephones in the SSPL office are for use by designated personnel only. Students should not use the office telephones, and certainly students wandering in from the cafeteria section should not be allowed to use telephones, handle equipment, etc.

Appendixes 1-5

JOB ANALYSIS: Supportive Services for the Physically Limited: Student Assistant

The student assistants for the Support Services Program for the Physically Limited are under the direct supervision of the Director of the Support Services for the Physically Limited.

Duties and Responsibilities:

1. Must have a job application and W-4 form on file in the MCC Placement Office and Support Services for the Physically Limited Office.

2. Must be interviewed by a Support Services Director.

3. Receive work assignments initially from the Support Services office, then when a rapport is established with the Support Services student, work can be received from the student.

4. Perform duties assigned by the Director of Support Services or schedules assistant.

5. Must be punctual for scheduled work.

6. Must contact the Support Services office in case of personal tardiness or absenteeism.

7. Personal Assistants:
   a. accompanies Support Services students between classes,
   b. assists Support Services students with books, doors, directions, etc.,
   c. assists students with personal functions.

8. Notetakers:
   a. will either attend class with the Support Services student and take notes or transcribe notes from a cassette tape. This will be decided by the student and the director.
   b. when transcribing a tape, notes should be concise, but complete.
   c. notes should be returned to the student or the Support Services office within 24 hours or designated time.

9. Tutors:
   a. meet with instructor prior to session (appointment will be arranged through Support Services office).
   b. arrange meeting time for tutoring sessions with the student.
   c. prepare lesson plan in advance. This should be in accordance with the instructor.
   d. leave record of lesson plan and meeting date with the Supportive Services office.

10. Readers:
   a. record assignments from the student's textbook on cassette tapes.
   b. return reading assignment to the student or Supportive Services office at the designated time.
   c. emergency reading schedules will be coordinated through the Supportive Services office.

JOB ANALYSIS: Interpreter

An interpreter in the Support Services for the Physically Limited Program at McLennan Community College is under the direct supervision of the Director of the Support Services Program.

Duties and Responsibilities:

Among the specific duties of employment are the following:

1. To aid the deaf student in understanding classroom lectures.
2. Enable the student to express his individual ideas.
3. At the beginning of the course acquire a written list of books (title, author), periodicals etc., needed for the completion of the course and make it available to the student.
4. Determine the course of the lecture as to the type of interpreting needed, verbatim or analytic.
5. Develop an unobtusive rapport with the presiding instructor.
6. Cooperate in evaluation of student and self.
7. Attending all meetings related to the above mentioned position.
8. Perform additional duties assigned by the Director of Support Services for the Physically Limited.

Qualifications for the Position:

The following requirements are suggested for the position of interpreter for the Support Services Program for the Physically Limited:

1. To be skilled in manual sign language.
2. Experience in interpreting in a "one to one" basis situation and/or group situation.
3. Ability to relate to students and co-workers.
4. Ability to cooperate with faculty and staff.
5. Willingness to accept responsibility in aiding the student to successfully complete the course.
6. Punctuality in class and report deadlines.
7. Perform other duties assigned by the Support Services Director.

QUALIFICATIONS FOR SSPL CLERICAL ASSISTANT

1. Must have a good knowledge and background experience in office procedures.
2. Must be a good typist and know filing methods.
3. Must relate well with Physically Limited students.
4. Must be punctual and reliable.
5. Must be willing to perform whatever duties are needed.

QUALIFICATIONS FOR SSPL SECRETARY

1. Must have at least 2 years of college experience.
2. Must have a background in Sociology and/or Psychology in relation to dealing with people and their problems.
3. Must have good problem solving and reasoning ability.
4. Must be able to relate to Physically Limited students.
5. Skilled or willing to become skilled in manual communications (sign language).
6. Have some experience with Physically Limited persons (optional).

JOB DESCRIPTION

The secretary for SSPL Program should have an adequate educational and work experience background to be able to perform the duties of the position. The secretary is under the supervision of the Program Director and performs the following duties:

1. Assist in coordinating the program services to meet the needs of the individual students.
2. Assist in registration and enrollment of students.
3. Arrange schedules of student with student assistant.
4. Supervise and periodically evaluate student assistants, mobility and personal aides, tutors, interpreters, readers and notetakers.
5. Tutor and provide services for students when needed.
6. Maintain records and schedules of students and assistants.
7. Assist instructors and tutors in planning areas of supplemental learning for students.
8. Maintain equipment checkout procedures and records.
9. Have knowledge of and assist in providing referral information to proper agency for student problems.
10. Advise students in meeting transportation needs.
11. Perform other duties as needed.

TAPING PROCEDURES TO BE FOLLOWED BY READERS FOR THE BLIND

Introductory Note: Always try to remember that the Blind Student is depending on you, as his reader, for his information in regards to the reading material. So, do not leave anything out that is in the context of the material, even though it may seem unnecessary to you - RECORD IT!

First Tape: Record the following information on the first tape you record for the Blind Student:

1. Tape number
2. Side number
3. Title of the book you are recording
4. Author of the book
5. Copyright of the book
6. Table of Contents (including page numbers and sub-titles)
7. Preface of book
8. Foreward
9. And any other printed matter which is present.

Example of how the first tape should be done (using the book Here and Now II as the book):

"Tape number one, side one of Here and Now II - An approach to writing through perception, by Fred Morgan. The copyright of Here and Now II is 1972 by Harcourt Brace Jovanovich, Inc. To give you an idea of the subject that will be covered in this book let us begin with the table of contents which is as follows:

Preface
Unit I - Using Your Senses
Keeping in Touch . . . . Page 3
Enjoying Your Senses . . Page 4
from Look Homeward, Angel by Thomas Wolfe . . . Page 4"

Record the entire Table of Contents in the same manner.

Next, record the preface and foreward of the book.

After this has been completed start with the first chapter of the book (or what ever material is needed) being sure to mention all titles and sub-titles as well as page numbers. This can be done as in the following example:

"Unit one of Here and Now II, unit one-Using Your senses sub-title Keeping in Touch beginning on page 3."

As you proceed through the reading, mention each page number whenever it can be done without breaking up a sentence or a train of thought. This can best be done by just saying in a different tone of voice; "We are now on page so and so," and then return to your normal tone of voice and continue with reading.

When you come upon different or uncommon words say them, spell them out slowly, say them again, and then continue reading the work. (If you think the meaning of the word may not be know by the Blind Student, or seems difficult, then look the word up in the dictionary and record it on the tape--you'll be helping the Blind Student).

When a diagram or a picture is included in the reading, describe it as best as you can and always be sure to record the captions under these pictures or diagrams--unless, of course, the diagram, or picture, is described in detail within the context of the reading material then in this case just record the caption, making only a brief remark about the illustration.

Do not start a new chapter on a tape when there is only a couple of minutes of recording time left on that tape, instead, begin a new tape. In addition, when finishing the side of a tape leave enough room at the end in order that you may record the following:

1. Side number on which it ended
2. Tape number on which it ended
3. Page number on which it ended
4. Chapter on which it ended

Also:

5. Side number on which the reading will begin
6. Tape number on which the reading will begin
7. Page number on which the reading will begin
8. Chapter on which the reading will begin

Example:

> "This concludes side one of tape number one, leaving off on page twenty-three of chapter one. The reading will continue now on side two of tape number one beginning with page twenty-four of chapter one."

When both sides of the tape have been completed use the same procedure mentioned above, adding instead that the reading will continue on another tape. This can be done in the following manner:

> "This is the end of side two of tape number one, leaving off on page thirty-five of chapter two. The reading will continue now on tape number two, side one, beginning with page thirty-six of chapter two. Once again, this is the end of this tape."

After the entire tape has been recorded print neatly and clearly, or type, the following information on the cassette labels:

1. Title of book
2. Semester in which it was recorded
3. Tape number and side number
4. Chapter of book
5. Pages recorded on each side of tape
6. Name of Blind Student for whom the information was recorded and the name of the reader--your name.

Example:

HERE AND NOW II (SPRING '77)

Tape #1--Front Cover, Table of Contents
Chapter 1--Pages 3-23 (Side 1)

HERE AND NOW II (SPRING '77)

Tape #1--Chapter 1 (cont.) Pages 23-28 end
of chapter/Chapter 2 pages 29-35 (Side 2)

FOR: Ron Granger (SPRING '77)
READER: Robert Scott

SPECIAL RESOURCES FOR READING AND EDUCATIONAL MATERIALS FOR THE BLIND AND PARTIALLY SIGHTED

The following literature and educational aids for the blind are obtainable (for sale) from the American Printing House for the Blind, 1839 Frankfort Avenue (P. O. BOX 6085), Louisville, Kentucky 40206. Write for catalogs and price lists. Note: A separate catalog and price list is published for each of the five separate categories listed below:

1. Braille Publications. (Textbooks, fiction, non-fiction, magazines and/or periodicals).

2. Large Type Textbooks. (For grades 1-12, and for adult vocations, trades, and guidance).

3. Tangible Aids to Learning. (Braille slates and styluses; braille writing paper; braillewriters; recorders; large print and bold writing paper; reading stands and racks, and others too numerous to mention).

4. Talking books. (Textbooks, fiction, non-fiction, magazines and/or periodicals recorded either on 33-1/3 or 16-2/3 rpm). Note: This is not to be confused with the free talking book machine and library service sponsored by the State/Federal program for the blind and physically handicapped.

5. Music Publications in Braille. (For piano, organ, vocal, chorus, stringed, brass and wind instruments, band and orchestra).

6. Recorded Educational Aids to Learning (on tape). (To enrich and supplement classroom instruction in fine arts, literature, travel, science, etc. -- All grade levels, primary through college).

Recorded school textbooks and other educational material: Material available on disc and/or tape free on loan from Recording for the Blind, Inc., 215 East 58th Street, New York, New York 10022. Recording for the Blind is an organization which records and circulates textbooks and other educational material free for visually and physically handicapped elementary, high school, college and graduate students, and adults who require educational material in the pursuit of their profession or vocation. Write for catalog and information.

Correspondence (Home Study) Courses: Free correspondence courses for those with severe visual problems. Accredited courses offered from the 5th grade on up through college. Courses also offered in vocational and Bible. For information write to the Hadley School for the Blind, 700 Elm Street, Winnetka, Illinois 60093.

Special aids and appliances for the blind: Individuals or agencies desiring special devices to aid in solving or reducing problems resulting from blindness, write to the American Foundation for the Blind, 15 West 16th Street, New York, New York 10011 for catalog of games, kitchen and sewing aids, tools and instruments, medical aids, canes, etc., are available for sale through this mail order service.

The Perkins Brailler is obtainable from the Howe Press of the Perkins School for the Blind, Watertown, Massachusetts 02172. The Howe Press also has a complete inventory of Braille writing equipment and material. Write for descriptive brochure and price list.

To assist persons working in the field of services for the blind, the American Foundation for the Blind, 15 West 16th Street, New York, New York 10011, offers helpful material. Write for "Catalog of Publications, Films, Radio Programs, and Posters."

The Bible and religious literature available from the following sources:

1. The American Bible Society, 1865 Broadway, New York, New York 10023. The complete Old Testament and the complete New Testament, and many separate books of the Bible obtainable in braille, on records and tape. Also some books of the Bible are obtainable in large and extra large print. Provided free to blind people who are not able to pay, but each recipient is encouraged to share in the cost whenever possible.

2. John Milton Society for the Blind, 475 Riverside Drive, New York, New York 10027. Sunday School Lessons (International); the Scriptures, hymns of worship, and other religious (interdenominational) literature for adults and children, published in braille and on record. Write for list of publications and cost. The charge is free if the blind person is unable to pay. Contributions welcomed.

3. Christian Record Braille Fondation, Inc., 4444 South 52nd Street, Lincoln, Nebraska 68306. Religious magazines, books and other literature of inspiration and education, free to all blind and visually handicapped adults and children. Published in braille, large print, records, and magnetic tape.

Special travel concessions for blind persons, or for those whose vision is defective as to require a companion in unfamiliar surroundings, are available. A booklet describing this service, and application forms, are obtainable by writing to the American Foundation for the Blind, Inc., 15 West 16th Street, New York, New York 10011.

USEFUL RESOURCES FOR THE BLIND

1. American Bible Society, 1865 Broadway, New York, New York 10023. Provides Braille and Recorded Versions of the Bible at a very small fee.

2. American Foundation for the Blind, 15 West 16th Street, New York, New York 10011, has catalogues of aids and appliances used by the blind and provides other informational material useful to the blind and workers with the blind.

3. American Printing House for the Blind, 1839 Frankfort Avenue, Louisville, Kentucky 40206, publishes many textbooks for elementary and high schools. Provides the Library of Congress with many braille books and talking books. Publishes some braille magazines and braille music. Catalogues are available upon request.

4. Braille Institute of America, 741 North Vermon Avenue, Los Angeles, California 90029, provides free braille calendars upon request. Has some braille and recorded textbooks.

5. Braille Book Bank of the National Braille Association, Inc., 85 Godwin Avenue, Midland Park, New Jersey 07432. This is the prime source of braille textbooks for college and graduate students in the United States. Many high school textbooks are also available. Master copies of textbooks are collected from all volunteer organizations belonging to the National Braille Association. Thermoformed copies of the textbooks are sold to students at a cost comparable to that of the printed text. Emphasis is placed upon making braille books available in the subject areas of foreign language, science, statistics, computer science, and mathematics. Approximately 200 mathematical tables are also available. The current catalogue is available in both print and braille at a cost of $1.00.

6. El Paso Braille Guild, 4155 Krupp, El Paso, Texas 79902, textbooks are transcribed into Braille for the Texas Education Agency. A limited amount of Braille transcribing can be done upon request.

7. Hadley School for the Blind, 700 Helm Street, Winetks, Illinois 60093. Provides high school correspondence courses and some college courses. However, college courses are no longer made available in recorded or braille form. Students must have the textbooks recorded. Other correspondence courses are available in braille, amateur radio, real estate, etc. There are no charges for the courses.

8. Johanna Bureau for the Blind and Visually Handicapped, Inc., Suite 540, 22 West Madison Street, Chicago, Illinois 60602. Sells thermoformed textbooks in education and psychology. Twelve psychological tests are available in braille for blind counselors and psychologists. Braillling capabilities in foreign languages and mathematics.

9. National Braille Press, Inc., 88 St. Stephen Street, Boston, Massachusetts 02115, produces books and other material upon request in braille, large print and taped form. Brailling capabilities in French, German, Spanish, mathematics and music.

10. Recordings for the Blind, Inc., 41008 Red River, Austin, Texas 78751, phone (512) 454-9356, records most college textbooks upon request. 25,000 copies of high school and college textbooks are maintained in the Central Library at 215 East 58th Street, New York, New York 10022. Books are available on free loan for a period of up to one year. RFB will record textbooks upon request when two print copies are provided. If bookstores will not loan these textbooks to RFB, one of the books will be returned upon completion of the recording, and reimbursement will be made for the second textbook.

11. Science for the Blind, 2221 Rock Hill Road, Bala-Cynwyd, Pennsylvania 19004. Sells specialized instruments, gauges, meters and other devices adapted for the blind.

SPECIAL RESOURCE LEARNING MATERIAL FOR THE DEAF

*Programed Assistance to Learning General Electric Company by Industrial Industries, Inc.

*Language Improvement to Facilitate Education Division of Media Services and Captional Films.

Bureau of Educational Services, Education of the Handicapped Distributed Project Life/General Electric Education Support Project, General Electric, Riner Road, Schenectady, New York 12305.

*Singer, Graflex Study Mate II, Rochester, New York

**EDI Controlled Reader

*Peabody Language Kit

**Scientific Research Assistance Reading Laboratory

**Language Master Levels 1-2-3

*Addresses can be obtained from Waco Regional School for the Deaf, 315 Jefferson, Waco, Texas

**Are in the MCC Reading Lab

SUPPORT SERVICES FOR THE PHYSICALLY LIMITED

Job Application for Student Assistant

Name _____

Address _____

City _____ Zip _____ Phone _____

Social Security Number _____

Major _____ Number of class hours _____

Attach class schedule:

If tutor, attach written recommendation from instructor in subject(s) you will tutor.

List hours you will be available to work _____

Name_____ Address_____ Zip _____ Phone_____

SS#_____ Birthdate_____ Sex_____ Age_____ Marital Status_____

Sponser Agency_____ Phone_____ Agency Counselor_____

Notify In Emergency_____ Address_____ Home Phone_____

Business Phone_____ Relationship_____ Physician_____

Phone_____ MCC Counselor_____ Major_____

Date of Enrollment_____ Highschool Diploma_____ GED_____ Other College_____

Nature of Handicap	Slight	Moderate	Severe	L-Arm	R-Arm	L-Leg	R-Leg
Diabetic	—	—	—	—	—	—	—
Arthritic	—	—	—	—	—	—	—
Epileptic	—	—	—	—	—	—	—
Speech Disorder	—	—	—	—	—	—	—
Cardiac Disease	—	—	—	—	—	—	—
Amputee	—	—	—	—	—	—	—
Hemophilia	—	—	—	—	—	—	—
Postpolio	—	—	—	—	—	—	—
Multiple Sclerosis	—	—	—	—	—	—	—
Quadriplegic	—	—	—	—	—	—	—
Hemiplegic	—	—	—	—	—	—	—
Paraplegic	—	—	—	—	—	—	—
Cerebral Palsy	—	—	—	—	—	—	—
Hearing Impaired	—	—	—	—	—	—	—
Sight Impaired	—	—	—	—	—	—	—
Orthopedic	—	—	—	—	—	—	—
Learning Disability	—	—	—	—	—	—	—
Other _____	—	—	—	—	—	—	—

Serv) and Equip. Needed	
Mobility Aide	—
Personal Aide	—
Tutor	—
Reader	—
Interpreter	—
Notetaker	—
Preregistration	—
In-class Assistant	—
Parking	—
Special Counseling	—
Wheelchair	—
Tape Recorder	—
Tapes	—
Slate or Stylus	—
Cane	—
Sling	—
Poncho	—
Transportation	—
Other _____	—

Special Learning Equipment or Material _____

Blind: Cane Travel _____ Travel Vision _____

Deaf: Hearing Aid _____ Speech Read _____ Speech _____ Manual Communication _____

Medical Needs:

Medication Taken _____ How Often _____ Rest Periods _____ A Day

Faintness or Dizziness _____ How Often _____

Appendix 3-b

Agency Counselor _____

Phone _____ CLASS SCHEDULE FOR SSPL - Spring, 1977 MCC Counselor _____

Name _____ SS# _____ Address _____ Phone _____ Major _____

Time	Monday	Time	Tuesday	Time	Wednesday	Time	Thursday	Time	Friday	Time	Saturday

1st month's grades	2nd month's grades	3rd month's grades	4th month's grades

Student's Name _____

Instructor _____

Course & Section _____

Hours _____

Please check the following:

Class Attendance: Good ___ Fair ___ Poor ___

Class Performance: Good ___ Fair ___ Poor ___

Current Grade: A ___ B ___ C ___ D ___ F ___ IP ___ IW ___ I ___

Do you think this student needs a tutor at this time? Yes ___ No ___

Are there any problems or information concerning this student of which you feel SSPL should be aware? Yes ___ No ___

If yes, please explain.

If you need help, information, or clarification, please contact Cathy Kelley Support Services, at extension 384 or 385.

SSPL STUDENT AND STUDENT ASSISTANT EVALUATION

In-classroom assistant and interpreters

1. Was the student assistant on time?
2. Was everything (books, note pads, etc.) arranged before class began?
3. Was the student on time?
4. Is the seating arrangement in class advantageous to the student?
5. Were the class notes returned to students after class? If not, why?
6. Did the student assistant do the talking for the student during class?
7. Did the student and the student assistant talk while the teacher was talking?
8. Did the student pay attention during class?
9. Did the student assistant seem to have rapport with the class? the teacher?
10. Did the student seem to have rapport with the class? the teacher?

Tutors

1. Was the tutor on time?
2. Was the student on time?
3. Had the tutor prepared the work for the study session?
4. Is the tutor being effective?
5. Are the student's grades improving?
6. Does the tutor contact the instructor regarding the class work?

Signed by student assistant: _____

Signed by student: _____

SUPPORT SERVICES FOR THE PHYSICALLY LIMITED
EQUIPMENT CHECK-OUT

Description of Equipment	Number	Student Name	Date Checked Out	Date Checked In

SSPL STUDENT ASSISTANT TIME SHEET

Name of Student Assistant	Date	Duty	Student Name	Location	Time In - Out

ATTACHMENT G

PROPOSED BUDGET, 1976-77

PROPOSED BUDGET
July 1, 1976 - June 30, 1977

Salaries and wages	$26,740
Fringe benefits	NA
Travel expenses	1,300
Office supplies, classroom & student materials and supplies	850
Telephone and postage	600
Contractual services	NA
Leasing and rental expense	150
Indirect costs (25% of salary & wages)	6,685
Reprinting brochure, advertising and other media - recruiting activities plus printing of final report	1,000
Total expenditures	$37,325

ATTACHMENT H

INVENTORY LIST

SUPPORT SERVICES FOR THE PHYSICALLY LIMITED
EQUIPMENT INVENTORY

DESCRIPTION	QUANTITY	COST	PAYEE
Dodge, 15-passenger van (see attached list)	1	$ 10,950.00	Waco Dodge Sales Waco, Texas
Everest-Jennings, power drive wheelchairs	3	3,507.00	Herndon Medical & Surgical Supplies, Inc. Waco, Texas
*These items sold at lot price		990.05	J. A. Preston Company New York, New York
Hydraulic swimming pool lift	1		
varying dumbbells:			
1 to 10 pounds	1 set		
6 to 20 pounds	4 sets		
varying weights:			
wristlets:			
1 pound	1		
2 pound	1		
3 pound	1		
4 pound	1		
5 pound	1		
anklets:			
3 pound	1		
4 pound	1		
5 pound	1		
Velcro mitts	2 pair		
Extension set	1 set		
Transfer board	1		
Chinning bar	1		
Flexible shower arms with shower heads	1		
Superscope cassette decks C-105 with:	6	941.46	Tom Padgitt, Inc. Waco, Texas
rechargable battery units	4		
carrying cases	4		
external microphones	4		
Sony C-90 cassette tapes	24		
Superscope cassette decks C-105 with:	5	887.97	Teaching Systems, Inc. Dallas, Texas
carrying cases	5		
external microphones	5		
Sony C-60 cassette tapes	24		
Sony C-90 cassette tapes	26		

DESCRIPTION	QUANTITY	COST	PAYEE
Everlast Triplex chest pulley	1	345.00	B & B Sporting Goods Waco, Texas
Everest-Jennings wheelchair (narrow width)	1	230.00	Herndon Medical & Surgical Supply, Inc. Waco, Texas
Everest-Jennings wheelchair (standard width)	1	230.00	Herndon Medical & Surgical Supply, Inc. Waco, Texas
Parking signs & bases (signs & symbols of access - freight charge of $20.72 included in total price)		186.12	Seton Name Plate Corp. New Haven, Connecticut
Die-Hard batteries for wheelchairs	4	171.40	Sears, Roebuck & Co. Waco, Texas
Grab bars	3	160.50	The Robinson Company Waco, Texas
Folding Shower seats	3	151.20	The Robinson Company Waco, Texas
Perkins brailler	1	151.00	Howe Press - Perkins School for the Blind Waterman, Massachusetts
Everlast single stall bar	1	135.00	B & B Sporting Goods Waco, Texas
Schwinn Deluxe exerciser	1	128.95	Abe Therrell Key & Lock Waco, Texas
Audiotronics cassette recorder Model 147	2	107.90	Tom Padgitts, Inc. Waco, Texas
Spenco Cloud 9, gel cushions	2	99.90	A-1 Rental, Inc. Waco, Texas
Sphygomometer (blood pressure unit)	1	53.86	Herndon Medical & Surgical Supply, Inc. Waco, Texas
Schauer battery charger	1	29.15	Joe L. Ward Company Waco, Texas
Life preservers	6	22.29	Gibson Product Company Waco, Texas
Twin head stethoscope	1	13.10	Herndon Medical & Surgical Supply, Inc. Waco, Texas

DESCRIPTION	QUANTITY	COST	PAYEE
Guardian Utility pouch	2	11.90	A-1 Rental, Inc. Waco, Texas
Vinyl ponchos	6	10.14	Army-Navy Surplus Waco, Texas
Umbrella	1	10.00	Cox's Department Store Waco, Texas
Bicycle pump	1	4.50	Ordinary Bike Shop Waco, Texas

SPECIFICATIONS AND MODIFICATIONS FOR THE SSPL VAN

B-300 127" Wheelbase Maxi-Wagon
318 V-8 Engine
Automatic Transmission
15 Passenger Seat Package
7700 Lb. GVW Package
Vented Rear Glass
Tinted Glass
Air Conditioning, Front Only
Scuff Pads
All Gauges
AM Radio
Dual Low Mount Mirrors
Power Steering
Heavy Duty Springs
70 AMP Battery

1. Automatic Wheel Chair Lift With External Platform
2. Automatic Door Openers
3. 12" Fiber Glass Top With Inner Seal Liner
4. Extended Two Side Doors
5. Wheel Chair Floor - 1/2" Plywood with Indoor/Outdoor carpet from back of driver's seat to rear of van
6. Three Wheel Chair safety Locks
7. 12" wide orange band painted to left front door, hood not included.

The following make modifications in vans for the handicapped:

Braun Corporation
Winamac, Indiana

Arnold D. Grayless
109 Chimney Rock
San Antonio, Texas 78231

SPECIFICATIONS FOR THE SSPL VAN

B-300 127" Wheelbase Maxi-Wagon
318 V-8 Engine
Automatic Transmission
15 Passenger Seat Package
7700 lb. GVN Package
Vented Rear Glass
Tinted Glass
Air Conditioning, Front Only
Scuff Pads
All Gauges
AM Radio
Dual Low Mount Mirrors
Power Steering
Heavy Duty Springs
70 AMP Battery

1. Automatic Wheelchair Lift With Extended Platform
2. Automatic Door Openers
3. 12" Fiber Glass Top With Inner Seal Liner
4. Extended Two Side Doors
5. Wheelchair Floor - 1/2" Plywood with Indoor/Outdoor carpet from back of driver's seat to rear of van
6. Three Wheelchair Safety Locks
7. 12" wide orange hand painted around unit from right front door to left front door, hood not included.

The following companies make modifications in vans for the handicapped:

Braun Corporation
Winamac, Indiana

Arnold D. Grayless
109 Chimney Rock
San Antonio, Texas 78231

ATTACHMENT I

STUDENT LIST

STUDENT LIST FOR SPRING OF 1977

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR AND COUNSELOR
S. A. Junior Accounting		44	Arthritis	counseling	none	BUS 353.01 BUS 356.01 DP 310.01 ECO 352.02	VA Hiatt
S. A. Mental Health Associate		26	Cerebal palsy	tutor notetaker preregistration parking counseling	none	MH 355.01 MH 464.01 MH 554.01 MUS 162.02	VA Hiatt
E.B. Real Estate		42	Spinal curvature Varicose veins Nerves	counseling	none	BUS 326.01 BUS 364.01 GOV 352.07 REL 302.04	none
N. B. Undecided		31	Seizures	counseling tutor	none	BIO 451.01 ENG 312.03 REA 301.02 SOC 351.05	TRC King
B. B. Undecided		24	Impaired right leg	counseling tutor (recommended)	none	MAT 351.01 NUR 965.01	TRC Scorza
R. B. Undecided		35	Orthopedic back	none	none	BIO 401.02 ENG 311.07 PSY 301.05 SW 301.01 SOC 351.01	TRC Patterson
R. B.		22	Emotional	counseling	none	BUS 301.02	TRC

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR A COUNSELOR
R. B. (con't.) Undecided						BUS 311.04	"courtesy" Benson
M. B. Real Estate		53	Broken hip	preregistration parking counseling	none	RE 351.02	none
K. B. Junior Accounting (drpd - moved to Killeen)			Nerves	tutor	none	DP 310.03 BUS 352.01 BUS 315.02 REA 301.03 HPE 124.01	TRC "courtesy" Zinni
R. C. Cosmetology		19	Sight impaired	tutor	none	Cosmetology	TRC Millard
B. C. Undecided		20	Orthopedic Polio in ankle	tutor (recommended)	none	BIO 401.03 BUS 352.01 ECO 352.02 GOV 352.03 HPE 103.03	TRC Scorza
O. C. Music-Voice (drpd - health)		72	Hearing Sight Orthopedic	mobility aide	none	Continuing Ed.	none
J. C. Undecided		54	Nervies Back disability	tutor transportation preregistration counseling	tape recorder	REA 301.02 PSY 301.03 ENG 303.04 MAT 300.02	VA Hiatt
A. C. Mental Health Associate		44	Cardiac disease	tutor preregistration	none	PSY 302.01 ENG 313.03	TRC Zinni

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR AN COUNSELOR
A. C. (con't.)				counseling		MH 506.01 MH 210.01	
D. D. Nursing Home Admin.		32	Postpolio Hemiplegic High blood pressure	preregistration parking	none	NHA 317.01 NHA 353.01 NHA 354.01	TRC King
C. D. Senior Accounting		40	Arthritis Spinal injury	tutor preregistration parking counseling	none	BUS 318.03 BUS 353.01 BUS 356.01	none
C. E. Mental Health		32	Allergies	reader in-class assistant	tapes	ENG 313.02 MH 320.01 MH 464.01 MH 554.01	TRC Zinni
N. E. Medical Secretary (drpd - health)		38	Orthopedic	preregistration parking counseling	wheelchair	BUS 301.04 BUS 311.02 BUS 317.01 BUS 331.02 BUS 341.01	TRC Benson
G. E. Undecided		20	Hemophiliac	counseling tutor (recommended) parking	none	BUS 311.05 GOV 352.08 MAT 309.04 SOC 351.09	TRC Scorza
W. E. Computer Programming Social Work (drpd - economics)		20	Charcot-Marie tooth	preregistration parking counseling (referral)	none	Computer programming	none

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR AN COUNSELOR
J. F. Pre-Med. Tech.		19	Crushed leg	placement tutor	none	BIO 402.03 ENG 311.05 HIS 352.11 HPE 153.01 MAT 301.01 ORI 101.01	TRC Patterson
R. F. Real Estate		33	Stiff knee and ankle	parking	none	BUS 313.02 ENG 311.05 RE 310.01 RE 320.01 SPE 351.01	none
J. A. G. RN		36	Allergic Rhinitus Sinusitis	none	none	NUR 933.01 SOC 353.01 SOC 352.01	TRC Scorza
A. G. Nurse's Aide		24	Slow learner	placement referral	tape recorder	Continuring Ed.	TRC Patterson
L. G. RN		23	Cannot turn hands over	none	none	ENG 312.16 SOC 353.02	none
C. G. Social Work (drpd - health)		44	Orthopedic back	parking tutor (recommended) counseling	none	BIO 400.01 ENG 303.01 PSY 300.01 REA 301.03	TRC Benson
D. G. Law Enforcement		18	Blind in right eye	counseling	none	ENG 311.07 HPE 103.06 LE 311.01 LE 331.02 MAT 300.01	none

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR AN COUNSELOR
M. H. Teacher Aide		24	Spinal curvature Kidney trouble	preregistration career counseling	none	CHC 330.02 CHC 352.01 MAT 315.01 TA 625.01	TRC Ferqueron
T. H. Accounting		20	Disordered personality	counseling tutor	none	BUS 301.02 BUS 317.01 BUS 331.02 HPE 106.06 MAT 300.01	TRC "courtesy" Scorza
N. H.			Personality	counseling	none	LE 311.02 ENG 304.01 LE 331.02 REA 302.04 MAT 300.02	TRC "courtesy" Zinni
E. H. Business		20	Hearing impaired	tutor counseling housing	none	BIO 401.03 ENG 303.01 HPE 162.01 MAT 309.02 REA 301.02	TRC Willard
D. H. Cosmetology		18	Borderline mental retardation	tutor	none	Cosmetology	TRC "courtesy" Ferqueron
N. H. Mental Health Associate		19	Epilepsy	counseling-genetic and referral	none	ENG 313.02 MH 210.01 MH 506.01	TRC Scorza
R. H. Accounting		26	Rheumatoid spine	preregistration parking	none	BIO 402.02 BUS 353.01 DP 353.01	VA Hiatt

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR / COUNSELOR
R. H. Undecided (drpd - academic)		23	Orthopedic-back	none	none	BUS 301.04 BUS 311.01 HPE 123.01 MAT 309.01 ORI 101.02 SPE 351.02	TRC Benson
R. J. Business Mgmt. Develop.		32	Auto accident Broken hip, wrist, and jaw	preregistration parking counseling tutor (recommended)	none	BUS 326.01 BUS 364.01 BUS 406.01	none
M. J. Undecided		34	Heart	tutor	none	BIO 400.01 ENG 311.01 MUS 321.01 SOC 352.01	TRC Zinni
C. J. Mental Health		20	Hypertension	counseling tutor (recommended)	none	BIO 401.02 ENG 311.09 MAT 303.02 PSY 300.03	TRC "courtesy Patterson
K. K. Management (drpd - job)		22	Amputee Sight impaired	counseling tutor (recommended)	none	BUS 313.01 BUS 315.01 BUS 351.02 ENG 312.12 HPE 106.07	none
K. K. Radiology		19	Left hand missing	none	none	ENG 313.03 MAT 300.03 RT 402.01 RT 412.01	TRC Scorza

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR AN COUNSELOR
L. L. History		31	Muscular Dystrophy	notetaker tutor counseling	none	CHC 352.01 MAT 315.01 REA 301.02 TA 310.01	TRC Scorza
G. M. Undecided		19	Asthma	none	none	ENG 311.11 SW 301.01	TRC King
W. M. Undecided		26	Nerves Kidney Allergy Rheumatic fever Migraine headaches	tutor preregistration transportation	none	DP 310.01 MUS 132.02 REA 301.03	none
D. M. Accounting (drpd - health)		25	Left hip disarticulation	preregistration parking counseling	none	BUS 315.01 BUS 318.03 BUS 352.02 BUS 356.02 REA 301.05	TRC Benson
D. M. Speech Therapy		45	Postpolio Paraplegic High blood pressure	mobility aide personal aide tutor notetaker preregistration parking counseling	wheelchair tape recorder	ENG 312.03 GOV 352.05 PSY 351.01 SOC 352.02	TRC Benson

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR AND COUNSELOR
M. M. Junior Accounting		51	Arthritic knees and back Asthma	preregistration parking tutor	none	BUS 301.01 BUS 313.02 BUS 323.01 BUS 331.01	VA Hiatt
T. M. Undecided		21	Orthopedic Dyslexia	tutor notetaker counseling	tape recorder	HIS 352.14 PSY 301.09	none
C. N. Undecided		22	Hearing impaired	tutor notetaker counseling interpreter preregistration	none	MAT 300.03	TRC Willard
J. O. Undecided		37	Orthopedic Nerve collapse	preregistration transportation tutor counseling	none	BUS 335.01 BUS 344.01 BUS 346.01 CHE 411.02 ECO 350.02	TRC Willard
K. P. Undecided		20	Cleft plate	counseling tutor referral	none	BUS 301.04 BUS 311.02 BUS 332.01 BUS 341.01 HPE 106.04 ORI 101.01	TRC Willard
M. P. Undecided (drpd - attendance)		59	Behavioral	none	none	BUS 311.03 BUS 313.02 BUS 317.05 DP 310.03 HPE 106.04	TRC Hartwell

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR AND COUNSELO
L. R. Data Processing (drpd - attendance)		28	Orthopedic Back impairment	tutor preregistration counseling	none	DP 310.02 DP 405.01	TRC Benson
R. R. Nurse's Asst.		25	Partially sighted	transportation	none	Nurses Asst Conted	TRC Packard
K. S. RN		25	MI (nerves)	counseling tutor	none	BIO 452.02 NUR 933.01 PSY 351.02	TRC "courtesy" Scorza
R. S. Mental Health (drpd - health)		37	Arthritic	counseling notetaker preregistration mobility aide transportation	wheelchair	CHC 330.01 MH 506.01	TRC King
B. S. Teacher Aide		23	Nervous disorder	preregistration in-class assistant transportation counseling	none	Social work	TRC Benson
P. S. Medical Tech.		20	Hearing impaired	tutor notetaker preregistration	none	ENG 354.01 GOV 351.02 MAT 319.03	TRC Willard
D. S. Data Processing		20	Paraplegic	mobility aide preregistration transportation housing referral tutor	wheelchair	BUS 301.01 BUS 313.01 DP 415.01 ENG 313.02	TRC Benson

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR A COUNSELOR
K. S. Undecided		21	Sight impaired	mobility aide tutor reader preregistration in-class assistant counseling transportation housing	tape recorder tapes brailler	PSY 300.03 SOC 351.07	TBC York
S. S. Mental Health		35	Legal offender Alcoholic	none	none	CHC 330.01 MH 401.01 PSY 301.04 SOC 351.07	TRC "courtesy" Patterson
L. S. Business Administration		39	Postpolio Arthritis	preregistration parking	none	NHA 317.01	none
J. T. Undecided		41	Quadriplegic	transportation mobility aide notetaker preregistration	wheelchair tape recorder	Continuing Ed.	none
B. T. Medical Secretary		51	Cardiac disease Phlebitis	preregistration parking counseling tutor	tape recorder	BUS 342.02 CHC 330.01 ENG 303.01 SOC 351.03	TRC Willard
J. T. Pre-LVN		41	Sight impaired	tutor counseling	none	BIO 400.01 ENG 313.02 MAT 300.01 REA 302.07	TRC Zinni
J. T. Business (drpd - health)		43	Orthopedic	tutor preregistration counseling	none	ENG 311.02 GOV 351.03 HIS 351.01	TRC Scorza

NAME	SS #	AGE	LIMITATION	SERVICES NEEDED	EQUIPMENT NEEDED	COURSE	SPONSOR AI COUNSELOR
D. V. Corrections (drpd - personal)		33	Alcoholic	tutor counseling	none	BIO 403.02 BUS 331.01 ENG 352.02 SPE 301.02	TRC "courtesy" Patterson
L. V. Undecided		42	Back impairment	counseling tutor preregistration parking referral-placement	none	BUS 317.05 CHC 330.01 CHC 357.01 SOC 351.01	TRC Benson
A. W. Child Care Development		20	Sight impaired	tutor preregistration counseling	none	BUS 318.02 CHC 353.01 CHC 551.01 HPE 106.03 PSY 302.02	TEC York
J. W. Undecided		30	Personality disorder Obesity (doctor's care)	tutor	none	ENG 303.04 REA 301.04 SOC 301.04 PSY 300.01	TRC "courtesy" Zinni
P. W. Business (sec'y)		31	Diabetic	tutor preregistration parking counseling AFDC legal aide food stamps	none	BUS 301.04 BUS 311.02 BUS 317.02 BUS 332.02 BUS 341.01	TRC King
I. W. Elementary Ed.		30	Back impairment	preregistration tutor (recommended)	none	ENG 304.02 PSY 302.03 REA 301.01 SOC 351.04	TRC Benson

ATTACHMENT J

COLLEGE FOR THE PHYSICALLY HANDICAPPED

Counseling and teaching the college freshman is a demanding job for anyone, and one may feel inadequate when confronted by the blind, the deaf, and the orthopedically handicapped. It is true that the physically limited student will present some problems, but not insurmountable ones. They are people who happen to have a physical problem that limits their activities in certain areas. The same fears, desires, goals, and ambitions present in the non-handicapped student are equally important to the handicapped.

It is hoped that these guidelines will assist college counselors and instructors in working with the physically limited and provide some insight into the problems encountered by these students. While it is impossible to cover all of the difficulties, these generalizations may be helpful.

A little more effort may be expended on the physically limited, but the reward of watching the students'growth and development will be worth the extra time and consideration.

The first hurdle is relating to the student. Many physically handicapped people have, at some time in their lives, experienced rejection and negative attitudes, even ridicule when they were children. They have been subjected to stares by the curious, pity, and attitudes that cause them to feel inferior, imperfect people. It is logical that many physically disabled students have developed defense mechanisms to cope with these negative attitudes in order to survive in a society that is attempting to segregate and isolate them through special education classes, separate schools and buildings they cannot enter by the presence of other architectural barriers.

Defense mechanisms are expressed in many ways. Some have developed belligerent or sarcastic attitudes, some withdraw and become isolationists, some use humor, and

others may indulge in self-pity. Whatever the means of expression, awareness of the causes will make the behavior easier to understand.

Emotional pain directly related to the handicap has been experienced by every handicapped person. "Why was I born this way? Is God punishing me for something? Why can't I look, or walk, or hear, or see like everyone else?" These are all questions the physically handicapped have asked themselves over and over again. This deep pain at being "different" is one that every handicapped person must live with every day of his or her life.[1]

For those born with the physical disability, acceptance may be easier because they have had no other experiences. For those disabled through injury or disease, the adjustment can be described as "mourning" the loss of use or a part of oneself. It is similar to losing a loved one through death. Life is never quite the same.[2]

All of these adjustments not only leave scars, but can affect the individuals' concept of himself as a valuable person. Many people have certain physical characteristics they might like changed. Remember during your teens, spending long agonizing hours in front of the mirror wishing away your acne, your big ears, your straight hair, your imperfect nose? Remember fantasizing how much better life would be if only your imperfections would vanish? Now they have vanished or are no longer important. The cerebral palsy or the deformed leg will not vanish and remains as intregal part of the person because it limits the physical activity as well as affects the physical appearance which is so important to us all.

The apparantly disabled must accept the handicap because it can't be hidden. Often the person whose appearance is normal, but who has a hearing problem or an epileptic

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[1]Rusk and Taylor, Living With A Disability, Blakiston Co. Inc., (Garden City, New York), 1953.

[2]Beatrice Wright, A Psychological Approach to Physical Disability.

or visually impaired, will attempt to deny the handicap and go through elaborate procedures in order to hide it from others. James W. McDaniel, Ph.D. says, "...persons with mild or invisible disabilities suffer greater frustration and maladjustment that the more severely disabled because social expectations are more strenuous for them---they may be unable to perform."

The most important factor is in relating to the student with the right attitude (both the counselor's and student's attitude). Since the counselor is the professional, it is up to him to put the student at ease. Try remembering your first day in college. What were the things that were threatening to you? While the handicapped students have the same fears, theirs are intensified by actual physical problems. How are they going to find their way around? What happens if they get stuck in a doorway or on a ramp? Can they get into the restrooms? Are the drinking fountains low enough to be reached from a wheelchair? Who will read the cafeteria menu to them and help them get lunch? Who can they depend on to push them from class to class? If you had had to face such problems when you decided to attend college, would you be a counselor now or would you be sitting at home watching soap operas and quiz shows on TV?

In counseling the handicapped, try to establish a good rapport. Make them feel they are welcome and wanted and don't express pity no matter how severe the handicap. Neither make a direct reference to the handicap nor totally ignore it. Mention it in context with conversation, i.e. "Do you have any vision at all? Can you read lips?" Once you have the desired information, continue on to the next subject. If the student wishes to discuss the handicap, he will bring it up. That is a very personal and private part of his life.

Because of the negative attitudes many handicapped face all of their lives, many have poor self-concepts. Many have been over-protected by parents and friends and are totally dependent on them both physically and emotionally for all of their needs.

This type of student will find it difficult to make decisions on his own. Encourage the student to make decisions, but if that is impossible, the counselor must decide for him. In a semester or two, the student will probably mature enough to want to direct his own life.

Just as some students have been over-protected, some have been neglected physically and/or emotionally. Some parents consider the handicapped child a burden, or a subject for shame, or visible proof of their sins. While the child may not suffer actual abuse, little has been done to create any feelings of self-value. This type of student may need the help of a trained psychologist.

For most handicapped students, short range goals usually work best. Many have had no idea or intention of attending college. It is very important for them to succeed or they may give up and return to safety of the "shut in." Counsel this type of student carefully. Advise only one or two courses initially, and ones in which you can be reasonably sure of success. As the student gains confidence, gradually increase classes.

Problems may arise with the students who have non-visible limitations such as poor vision, arthritis, learning disabilities, asthma, heart problems, difficulty in hearing, or epilepsy. Some of these students are reluctant to declare themselves "different" and will seek many methods of hiding the disability. If you are aware of the problem, simply state the fact in such a manner as to cause the least offense, i.e., "I know you have a hearing problem, so perhaps it is best for you to sit in the front of the room or take a tape recorder to class and turn up the volume when you play the tape at home."

The epileptic usually does not consider the disease as a handicap and may resent it if it is referred to in that manner. The epileptic lives in fear of seizures. The threat of one is so much a part of his life, it becomes a part of his personality. It will relieve him if you assure him his condition is confidential; and only his

instructors and the school nurse will be notified, so they will know what procedure to take in the event of a seizure during class. However, medication is available to control epileptic seizures and the epileptic student should certainly take this drug. It is a good idea for the school nurse to keep a duplicate supply of medication to be administered in the event of a seizure.

While the program or major chosen by a student should be considered carefully in view of the physical limitation, don't be too quick in vetoing a student's choice. If you feel the student will never succeed in a chosen vocation and he is positive he can, allow him to do so. If it is impossible or too difficult, he will realize it himself and make a change. Experimentation is important to the physically disabled. How else can they develop to their full potential?

Scheduling of classes should be considered carefully. If the student has a mobility problem or is physically weakened by a condition, plan classes that are close together. If that isn't possible, ask the student if he would prefer a break between classes. Particular attention should be paid to buildings without elevators. If the student is in a wheelchair, uses crutches, or canes, the upper floors must be avoided. If an inaccessible class is necessary, ask the Dean of Instruction if he will move the class to a more convenient locale.

The counselor and faculty member play one of the most important roles in the postsecondary school experience of the physically handicapped. It is part of the counselor's and faculty member's responsibility to encourage the handicapped to begin and to remain in school.

The blind usually present the least problem. They are not hampered by architectural barriers. A few days of mobility training at the beginning of the semester is usually enough to enable them to find their way around campus. If you spot a blind student on the campus who appears to be disoriented, simply say, "May I help you."

Many people are fearful of offering assistance to a blind person because they have little idea of what is involved. They do not know that there are a few very simple guidelines and that these are based primarily on common sense, tact, and courtesy. Keep in mind that the person you are dealing with is an individual and that you can always adapt and change these general methods to suit his particular abilities, preferences, and needs.

If you are going to offer help to a blind person, the logical way to begin is by introducing yourself. Make sure he knows that you are talking to him. When you approach a blind person whom you already know, identify yourself so that he will not have to guess who you are. Unless you are very sure that he can recognize your voice, tell him who you are each time you see him.

When you leave a blind person, tell him that you are going. Do not leave him to guess whether or not he is alone. Make sure that he is oriented to his surroundings if he is going to be by himself.

Do not worry about using words such as "look" and "see" when you are talking to someone who is blind. These are often the simplest words you can use to get your meaning across, and chances are you will find the blind person using them too.

Speak directly to the blind person. If he is with a friend, do not use his companion as an interpreter. Unless he is deaf, there is no need to speak more loudly than you would to anyone else.

If the blind person is using a dog guide, remember that the dog is responsible for the safety of his master. Do not pet a dog guide or otherwise distract him from his job.

When teaching a blind person how to do something, make your directions consistent since he cannot watch what you do. Explain the procedure fully and, whenever you

can, let the sense of touch replace the sense of sight. Allow the blind person the time he needs to learn a new skill. If the skill is complicated, break it down into steps and teach one step at a time. Often it takes a blind person longer to master a skill just because he must learn the techniques step by step and cannot visualize the process as a whole.

Their biggest problem is finding good readers. Usually the college placement center can provide a list of readers and the local rehabilitation department will provide on campus mobility training. Classroom work is made easier by the student's use of a tape recorder for lectures or taking notes in Braille. Most instructors are cooperative in making special arrangements for exams. The instructor can give the questions privately and the blind student can respond verbally or by use of a tape recorder. In schools where support services are available, that department will handle any of the above problems.

Counselors are usually concerned with working out programs, class schedules, and preparation courses for the student's major.

Like sighted students, the choice of a major should be the blind student's decision. The counselor should take into consideration the major in view of the disability. For example; if the blind student is determined to become a doctor, he should be discouraged from such a pursuit and advised to choose a more realistic occupation. If the student's ambition is to become a psychologist, then counsel him as you would any other potential psychologist.

One suggestion can be very important to the blind. If the student cannot type, he should be advised to take a typing class. Handwriting is usually impossible for the blind and college work usually demands a lot of writing. It will be to the student's advantage to learn to type.

Blind people frequently have trouble when instructors illustrate on the blackboard or use charts, diagrams or present list of words or information. A fellow student

can be helpful by sharing this information after class or a professor can take time to share verbally or by tape a description of the material.

Many have felt the blind or epileptic have no place in the sciences or in classes where dangerous equipment is used. This attitude is rapidly changing. With a few adaptations, many science and machine operation classes can be taken by the blind. However, many blind students discover it takes at least twice the amount of time to complete lab assignments and they must have good lab assistants working with them one-on-one to describe visual material. Again the supportive services department will be able to help or know where to obtain help. Most local rehabilitation offices have counselor-teachers to help solve such problems, and the blind can enrich their educational experiences. If an epileptic's seizures are under control and the instructor is aware of his problem, it is all right for such a student to take those type of classes. If seizures are not under control, he should not. If in doubt, contact his doctor for advice.

The hearing impaired student should be placed in any class he desires where hearing is not required and he can achieve successfully. Most deaf people perform quite low on the academic scale and will probably have to take remedial or developmental studies for a semester or two. Testing should give the exact level at which the student is performing and the instructor or tutor should then set up an individualized language development and math program for him to further his development. When the student is in the classroom, an interpreter should accompany him to class to interprete in-classroom lectures and discussions unless the instructor knows manual communication or the student is exceptionally skilled in speech reading (lipreading) and speech. An in-classroom notetaker should also be available because the student cannot watch the interpreter or instructor and take notes at the same time. If he has a tutor, that person should be skilled in manual communication.

If the student has some hearing ability or is skilled in speech reading and speech, the instructor should be informed so he can maintain a constant position so the student can see his face and mouth. The student, whether accompanied by an interpreter or not, should sit on the front row in the classroom.

Many instructors and hearing students are distracted by an in-classroom interpreter at first, but after a week or so are able to proceed without distraction. This should be discussed with every instructor where an in-classroom interpreter is needed.

The orthopedically handicapped student may present special problems in view of his physical ability. Usually a paraplegic will have few problems except in classes where walking is required and machines or other special equipment must be within his reach. Do not confuse walking with mobility. A paraplegic in a wheelchair can go anywhere any other student can as long as he has enough room to manipulate his wheelchair or unless steps or stairs are involved.

The quadraplegic may need more assistance, depending on the amount of use he has in his hands and arms. Some may need in-classroom notetakers and even "pushers" unless they have a motorized wheelchair. More attention should be paid to the quadraplegics' choice of a career. Be sure he is able to manipulate any equipment in his field. Hand and arm use are extremely varied among quadraplegics and individual attention must be given each student to determine his needs and amount of assistance he will need.

Since you may want to know some of the specific problems of each group, the following are some "helpful hints" on various disabilities.

Orthopedically Handicapped

Paraplegic - paralyzed below the waist. Normally has excellent use of hands and arms, but confined to a wheelchair.

Quadraplegic - ranging in paralysis from the neck down. Hand and arm use vary with each individual.

Rest periods between classes should be allowed for both paraplegics and quadraplegics; sitting for long hours can cause pressure sores and may even result in plastic surgery requiring months of hospitalization. Since the paraplegic and quadraplegic have usually been disabled through accidents or illnesses, in most instances he has gone through extensive rehabilitation that has helped him become as physically self-sufficient as possible. Emphasis should have been placed on good health care before he left the rehabilitation center, but it might have been overlooked or the patient might have been too depressed or upset to grasp the full implications. If the paralyzed or partially paralyzed student seems ignorant of good health care, have the school nurse or doctor talk to him. Keeping his body clean, the buttocks bathed twice daily and massaged at least once a day can prevent the pressure sores that plague so many of the paralyzed. It is important too, to change the elevation of the leg rests on the wheelchair frequently to prevent the toes and feet from pressure which can also cause sores and even result in amputation. The paralyzed person should inspect himself or have someone inspect him daily and at the first sign of redness on any area on his body, remain in positions that will not aggrevate the area for a few days until the skin coloring is back to normal. If the student seems reluctant or disinterested in keeping in good physical condition, it may be feasible to have him discuss this extremely important part of his life with a doctor. Remember, the paraplegic or quadraplegic has no feeling in the paralyzed areas and may dismiss the possibility of pressure sores lightly since he feels no pain or discomfort.

The quadraplegic and paraplegic have another particular problem. Although most paraplegics can use the restroom unassisted, both para's and quad's usually use a catheter inserted in the penis with a tube leading to a plastic bag to collect the urine. Because of the paralysis, many cannot feel the pressure on the bladder informing them when they need to void. Sometimes the catheter may slip out or the

urine bag overflows. While most paraplegics and some quadraplegics can reinsert the catheter and empty their bag, some cannot. The school nurse should be fully acquainted with this procedure. Occassionally, the paralyzed may have bowel accidents. It is a good idea for the school nurse to keep an extra change of clothing on hand in the event of such an occurrence. Needless to say, no one coming in contact with the student who has had a bladder or bowel accident should treat the occurence as unusual. The student will feel badly enough without having to contend with a negative attitude.

The same basic cleanliness rules apply to the amputee. Wearing a prosthetic device can cause just as much pressure which results in sores as paralysis. The amputee student should be sure his prosthesis fits well and the padding is adequate. Too much or too little can be equally bad. If a student seems in doubt about the way his prosthesis fits, he should see a good orthopedic surgeon or a doctor especially trained in the use of such devices. Remember, rehabilitation centers do not always give such patients proper instructions or the patient may be too upset to comprehend information given for his care after he leaves the rehabilitation center.

The amputee may also still be in an emotional state because of the loss of his limb or limbs. Such a loss can change a person's total self-image and cause him to feel deformed or useless. Even if the prosthetic device is not visible, he knows it is there. It takes most amputees a long time to adjust and they may worry about how they look. They may feel "exposed" and wear pants or long sleeves to "hide" as much of the prosthesis as possible. When counseling and teaching this type of student, try to "tune in" to his emotional state regarding his disability. He may not only worry about his own image but how he looks to others: how his spouse has accepted the disability and the "new" him, how his children feel, and his friends. If his emotional status seems stable, he has probably accepted his condition and wants to succeed in his choice of a career. If not, he may need support to help him through a difficult time.

A hemiplegic can be paralyzed on one side of the body or the upper half of the body. Although most hemiplegia is caused by stroke or brain injury, some are the result of birth defects or amputation (both arms). A hemiplegic may need the same type of assistance as a quadraplegic or cerebral palsied. (See section on cerebral palsy).

Needless to say, such a student may be undergoing severe emotional stress attempting to live a normal life after being disabled. Give him whatever support you can and try to understand his problem.

If the student is paralyzed on one side of the body only, he probably is ambulatory with or without the aid of a cane or crutch. He is probably continent, but may need to use restrooms with handrails. He is likely to tire easily, unless he has completely recovered from his illness or injury which can take several years, so close attention should be paid to his schedule. Adequate time between classes for rest breaks as well as distance between classes should be considered. Like most people, his needs are individual and he should be consulted regarding his classes, schedule, and any assistance he may need.

The Cerebral Palsied

In former years, this group of people were assumed to be mentally retarded. Time, medical science, and the cerebral palsied have proved that opinion false, although mental retardation may be caused by the same nerve dysfunction that causes the palsy Many cerebral palsied are just as bright or average as the non-palsied.

This negative opinion may have been believed because the speech, vocal cords, and throat muscles are sometimes affected by the disease. The person may drool (unwillingly) simply because his jaw and throat muscles will not coordinate to control the saliva glands and the throat muscles may be so affected he may have difficulty swallowing. He does not want to drool but is unable to prevent it. His speech may be affected in varying degrees or he may be unable to speak at all. An effort shoul be made to understand his speech and don't hesitate to ask him to repeat something y

don't understand. He is fully aware of his speech difficulty and is doing his best. Let him know you are interested in what he is saying and don't finish sentences for him unless he is unable to get the words out. If he has no speech, he will usually have a "talking board," a board with many words on it at which he points to make sentences, or it may be the alphabet and he will point to individual letters to form words. Have patience in either case and be as helpful as you can.

In many cases, the vision and/or hearing may be affected. Depending upon the degree of affectation, the student may need to be treated as visually or hearing impaired.

Most cerebral palsied are continent, but sometimes have bladder accidents if the palsy is severe. If the student has that problem, a change of clothing should be kept in the office of the school nurse.

There are two types of cerebral palsy: spastic and flacid. The spastic has uncoordinated movements of hands, arms, legs, and feet and when walking, may seem to be going in all directions at once. He should never be laughed at or ridiculed for these involuntary movements. They are truly beyond his control. Some spastics are confined to wheelchairs. They may or may not be able to write; that should be determined from the student. If he cannot, he will need an in-classroom notetaker and may need assistance in restrooms and the cafeteria. The same generally applies to to the flacid except they do not have the spastic movements. Both may be affected in any or all of their limbs and their needs should be based on their individual conditions.

The Visually Impaired

The visually impaired student will probably be the easiest to counsel and best adjusted. Because blindness has not been considered shameful, society has not ascribed to lack of vision some of the negative connotations applied to other handi-

capped people. Therefore; the visually impaired will present fewer emotional or personality problems. There are a few "helpful hints" that can make it easier to relate to the blind student.*

1. Use words like "look" and "see" when talking to a blind person.
2. If the person is obviously having difficulty, identify yourself and ask if you can help.
3. If you walk with him, let him grasp your arm near the elbow. Don't push him or pull him. The motion of your body will tell him what to do.
4. If you eat with him, read the menu and the prices to him. If he wants help cut his meat, fix his coffee, etc. Tell him the position of the food on his plate.
5. If he has a guide dog, remember that the dog is a working dog, not a pet. Don't divert his attention -- his master's life may depend on his alertness.
6. If he is alone always identify yourself. . . Don't play any "guess who" games.
7. If you live or work with him, never leave a door ajar. Keep corridor clear of clutter. Tell him if furniture is moved.
8. If you talk with him, always talk directly to him, not through a companion. Don't shout! He is not deaf.
9. If you seat him. . . put his hand on the back of the chair. He will be able to seat himself.
10. If you direct him, give directions as clearly as possible. Left or right according to the direction he is facing.

The Hearing Impaired

For counseling and teaching, the severely hearing impaired should always be accompanied by a hearing person who knows how to sign unless they are extremely proficient at speechreading (lipreading) and speech. Be sure the hearing impaired student understands what you are saying and what you mean. Many times they will nod their heads "yes" and pretend they understand when they don't, so double check.

*American Foundation for the Blind, Inc.
15 West 16th Street
New York, New York

Success is extremely important for the deaf. Many times they will give up because it is so difficult for them to begin any new activities. The lack of adequate communication skills has often led to the belief that the deaf are "stubborn or rigid." Sometimes they appear so, but it is usually because they don't understand what is being said to them or what is expected of them. Deficiency in communication is probably the worse handicap of all and the person born deaf or deafened at an early age generally has poor language usage which can cause negative aspects in their personality development. Be aware of this and help all you can. Most hearing impaired have weak backgrounds in vocabulary, spelling and grammar. Here are some do's and don't when working with the deaf.*

DO:

1. Let him know that you have confidence and pride in him.
2. Let him see that his whole family loves and needs him.
3. Talk to him and ask others to do so, too.
4. Give him a chance to develop his special abilities and interests.
5. Talk to him in a normal voice and in full sentences.
6. Expect from him what is socially within his age and mental level.
7. Let him do alone the things he can do; this gives him self-confidence.
8. Use encouraging, positive and specific directions to elicit desirable conduct.
9. Stress success.
10. Have patience and time and effort.
11. Explain painstakingly the most vital occurrences of every day life in the school.
12. Face the light always when you are talking to him. Light on your back throws shadows on your face and makes lipreading difficult.

*Texas Education Agency
Division of Special Education
Office of Education for the Deaf

Don't:

1. Be ashamed of him.
2. Let his handicap worry you too much. He will sense your anxiety and worry, too.
3. Compare him with his brothers and sisters or with others.
4. Let any member of the campus "baby" him.
5. Talk in single words. He probably understands more than you give him credit for.
6. Shout at him. Talk in a natural voice close to his ear. Your voice will be much louder to him than you think.
7. Exaggerate your lip movements. This makes speech harder to understand.
8. Correct every word he uses; accept and encourage his speech.
9. Expect his development to be spasmodic; development is continuous.
10. Display a "dead pan" face when you talk to him. Make him think you are interested in talking to him than anything else you could do.

ATTACHMENT K

TUTORIAL TECHNIQUES
FOR
HANDICAPPED STUDENTS

TUTORIAL TECHNIQUES FOR THE BLIND

When tutorial assistance is needed, the tutor and the blind student have to use special techniques. When talking to the blind, use words like look and see. If you want to show something to a blind person say, "Look at this...," and place the object in his or her hand or tell the person you will place his or her hands on the object. When walking with a blind person, allow him or her to take your arm near the elbow. One can feel your body movements and pace himself or herself accordingly, but a simple warning should be given before going up or down steps. When seating the blind, place the person's hand on the back of the chair after saying, "Here's a chair for you."

Of course, all material has to be read to the student by the tutor or presented on a tape. The tutor must be able to enunciate clearly and read the material in such a manner that by emphasizing key words and utilizing pauses effectively, the content is meaningful for the student. Reading in a dull monotone will cause the material to be incomprehensible to the student.

It is better to have a tutor that has had or is taking the same course which he or she is tutoring. The tutor would then be familiar with the technical terms and be able to explain their meaning to the student.

Any unfamiliar word should be spelled and its exact meaning and pronunciation looked up in the dictionary and read to the student. The blind student must work a little harder to build a good vocabulary because he or she cannot read print for himself or herself, but must depend on verbal communications for vocabulary increases. Some sighted people do not realize how much reading for themselves increases the vocabulary nor how a sentence can make clear the meaning of an unfamiliar word. If the student has a real problem with vocabulary, drills such as the one in the Reader's Digest can be of great value.

In addition to assisting the student with vocabulary, the tutors must be equally cognizant of the students spelling. Again, lack of vision causes many blind people to be poor spellers. Because most blind students type their written work, correct spelling is very important. Tutors should be aware of the students' spelling ability and help poor spellers become more proficient by having verbal spelling drills.

Sentence structure and punctuation can also pose a problem for the blind. The tutor should handle this by having the student type sentences, if able, or compose verbal sentences vocalizing the punctuation, then explain what the student is doing wrong and the correct way to do it. Grammar problems should be handled in the same manner.

The student, if read to properly, should have few problems with comprehension. If this problem does occur, it may be that the student is not paying full attention. If there is no attention problem, then memory techniques must be emphasized. Good memory is essential to the blind, but like other learning experiences, must be acquired. Blindness does not automatically insure a good memory and most blind persons have to work to develop it. There are two techniques that can be used to assist a blind student improve his or her memory. The first technique should be the suggestion, frequently reinforced, that good memory can be learned. The second technique is association. For example, take the four historical periods: Rennaissance, Enlightenment, Romanticism, and Modernity. Have the student remember the first letters of each of these periods and form an acronym - R E R M. This will enable him to get them in the proper order. If there is confusion between Rennaissance and Romanticism, stress that Romanticism ends with M and Modernity begins with M.

If the student is attempting to remember the stages of man's development in an anthropology course, the following associations can be used: The

Pleistocene Age was the Ice Age. Neanderthal man developed during the Pleistocene. Pleis rhymes with Ice. The Netherlands are cold - relate to Neanderthal. The Paleolithic Age was the new stone age and Cro-Magnon man developed during the Paleolithic era. Use the acronym P O S A for Paleolithic (Old Stone Age) and Cro for Cro-Magnon. (Association: P O S A - C R O. Further association; the hard o in Paleolithic, Old Stone Age, and Cro-Magnon.)

Cro-Magnon culture developed basic tribal ties, beginning domestication of animals for hunting and agriculture, sexual possessiveness, and basic language. (Association: Sex=children=family=feeding family+communication with family, (tribal).

The Neolithic Age produced Homo Erectus (man). (Association: neo-new (man). Homo Erectus developed the plough, the wheel, and metal usage. (Association: WPM: Wheel, Plough, Metal).

Written language began in Mesopotamia. Translation: Land between two rivers. The two rivers were the Tigris and the Euphrates. (Association: Ti-Up-Rilan; Tigris, Euphrates, Written Language).

When tutoring the blind, be as descriptive as possible and include colors in your description. If an occasion arises where you are attempting to describe an object that is unfamiliar to the student, draw a line picture of the object and glue a string to the lines. This will help the student create an image of what the object looks like. To make a line drawing of the United States, for example: draw a map of the U.S. and glue string along the state boundaries. If the student knows braille, have him or her braille the states with dymotape.

If a blind student is taking a course such as biology, making three-dimensional illustrations will be of great value to the student. Perhaps you or a classmate may do the illustrations as a special project for credit. Making three

dimensional illustrations is not as difficult as it sounds. The main thing to remember is to use materials that have a similar texture to the item to be illustrated. For example, to make a three dimensional butterfly, use satin for the wings, cotton for the center, and soft pieces of hair from a brush for the antennae. Glue is used to cement the materials into the proper shapes and food coloring or nail polish can be used for coloring. Leaves can be made by using different textures and colors of paper and a clear nail polish for a smooth feel. Play Dough is also an excellent medium for making three dimensional objects.

Such small efforts can make a class a delight for a blind student. If the blind student needs tutoring in math, it is necessary to use an abacus or an audio-calculator. On the abacus, addition, subtraction, multiplication, and division skills can be improved or taught. It is one of the effective methods for the blind to learn math. Braille does include numbers, but using braille to work math problems is difficult.

The only way the blind can read print or printed numbers is by using the Opticon which is not in common use due to the expense of the machine and the extensive training, so the blind do not know the printed alphabet and numbers unless they were once sighted. In order to learn how to use the Opticon, the blind would have to learn the shape of printed letters and numbers as the machine transmits the shape of the letter to the fingertip by a series of vibrating blunt pointed pins.

However, a few blind have been trained in using the Opticon and they would be able to look up words in the dictionary, encyclopedia, telephone directory, bank statements, read their mail, etc. The Opticon is of significant value to the blind and some are able to use it in their occupations. Perhaps as the cost decreases, it may be more widely used.

In anticipation, some blind want to learn the shape of the printed alphabet. To teach the blind the alphabet, use a raised alphabet board in decreasing sizes or a magnetic alphabet board. With the magnetic alphabet board, many blind can learn to trace the letters thereby increasing their perception of the shape.

While tutoring the blind might be more involving and intense than tutoring a sighted person, a little more effort can make that student succeed in the classroom and receive as much value from the course as a sighted student. Regardless of the effort involved, comments from those who have tutored blind students almost always include the value to the tutor concerning this experience.

SPECIAL TECHNIQUES FOR TUTORING THE PHYSICALLY HANDICAPPED

Many physically and sensorially handicapped students seeking post-secondary education need tutorial assistance. Most of the handicapped, especially the more severely disabled, have attended special education schools or special education classes.

However, many special education schools and classes do not seem to have met the academic qualifications that will allow the physically handicapped to become proficient in those subjects that are necessary for post-secondary education.

Many physically handicapped students begin college with only the rudiments of a basic education. Even post-secondary institutions which have developed special programs for the disabled have tended toward vocational or technical courses. Not only have the colleges and universities practiced de facto educational prejudice, but society has condoned such practices by job discrimination and public rejection of the handicapped. Happily, the outlook is brighter for this until now "silent minority."

When you become a tutor for the physically handicapped you must be a special kind of person. First of all, you must have patience; lots of it. You must be empathetic and feel no revulsion toward people with physical deformities and imperfections. You must be willing to work a little harder than tutors working with able-bodied students and should be creative and innovative.

You should be aware that many physically handicapped have developed attitudes of almost total dependence and want the tutor to do the work for them. The tutor must be firm and tactfully insist that the student has to do his or her own work and the tutor's role is to assist him or her with learning difficulties.

Some physically handicapped have rather belligerent attitudes and resent being told how to do anything. This type of student is extremely difficult to work with and the tutor must have the patience and understanding to realize that many factors in the student's background and environment have created this unpleasant trait. Usually this type of student will benefit from personal adjustment counseling and as his or her self-image improves, so will the attitude. In the meantime, the tutor should make an extra effort to establish a working relationship.

Generally, physically handicapped students are highly motivated. They realize the value of an education and are willing to work hard in order to succeed. There are exceptions, of course, and if a student shows a lack of motivation, the tutor should not feel it is his or her fault.

The tutor should learn to view the student as a total person. This can be very difficult to do when the disability is obvious. The disability itself can't be nor shouldn't be ignored. However, unless the student directly calls attention to the handicap, the tutor should limit his or her comments to the limitations of the student, i.e. "Can you hold your book or are you able to write yourself?" If the student wishes to discuss the handicap, he or she will refer to it.

Tutors should do things for the students that they can't do for themselves. Hold the door open, get material from a wheelchair pack, or lead the blind person to the work area. The tutor should never do anything for a student that the student can easily do for himself or herself unless specifically requested to do so. If a student makes such a request frequently, the tutor should gently remind the student that he or she can do it and should do it. Everyone working with the physically handicapped should always bear in mind the handicapped person should be as functionally independent as possible.

The student's sensory limitation and, of course, the student's educational background must be taken into consideration. In order to ascertain the severity of the sensory limitation, ask the student, "Do you have any vision at all? Can you see colors? Do you have any hearing ability?" Although the tutor may be embarrassed at asking such questions, it is necessary to know the information before the student can be effectively tutored. The student is certainly aware of the degree of his or her sensory limitations and will probably not be embarrassed at all.

As stated before, determine exactly what the student is able to do for himself or herself physically. This will eliminate the necessity of "playing it as you go." If the student needs physical assistance, i.e. writing, the tutor must be prepared to do all of the writing involved in the tutoring process. Or if the student is unable to operate media equipment, the tutor must do it for him or her.

Objectives or goals should be set for the student at his or her individual learning rate. The tutor should not attempt to stick to a set schedule. By allowing the student to learn at a pace that is comfortable, the chances for success are increased. So, although goals are important, they should be individualized to the student's pace. For instance, if a unit in a workbook should be covered in 12 hours of work, but the student needs 20 hours, let him or her take 20 hours. The goal is to <u>complete</u> the unit. Perhaps another student can do the work in 8 hours. The same rule applies. Always allow flexibility in any scheduled framework even if it means the student may fail the course. It is better for the student to learn <u>some</u> of the work well, rather than acquire little knowledge about the subject. The course can always be repeated or the instructor persuaded to give the student an incomplete and then grade upon completion of the work.

More can be said about the attitudes of the physically handicapped. Certainly the physical condition will affect the person emotionally and the maturity of the individual determines whether or not he or she has accepted the condition and wants to succeed in spite of it. Some physically handicapped people will use their disability to manipulate people to their own advantage. This characteristic should always be dealt with frankly on the part of the tutor. The student should be advised that the tutor is aware of the attempted manipulation and will not cooperate.

Some physically handicapped people have been in a dependency role all of their lives and will make little or no effort to make any decisions for themselves. This type of student needs a lot of moral support and might develop a tendency to "cling". If the tutor encounters a "clinging" student, he or she should guard against allowing the relationship to develop into an annoying one. This type of student should benefit from personal adjustment counseling. Such dependency is usually fostered by over-protective parents, relatives, and institutions and it might take the student several years to become emotionally independent.

Many of the physically handicapped are mature, rational adults who have adapted to their particular disability, but as with able-bodied persons, there are many different personalities and the tutor should certainly be informed about any special problems or attitudes the student might display.

It is very important for the tutor to discuss the student with the program coordinator, instructor, or others who have had contact with him or her when necessary.

ATTACHMENT L

DEVELOPING STUDY SKILLS

STUDY SKILLS FOR THE PHYSICALLY OR SENSORIALLY LIMITED

Good study habits are a must if college students expect to make good grades. Studying properly can be learned easily by forming a few good habits as soon as you begin college. If you have a physical or sensory limitation, there may be certain methods you can use to adapt your study skills.

Studying should be done in a quiet, well lighted room. The ability to concentrate is valuable no matter where you study. Concentration can be learned with practice and the longer you work at developing it, the more it becomes a habit. Concentration will not only help you study almost anywhere, but will increase your comprehension when reading textbooks. For example, in learning to speed read, the concentration level must be extremely high and as your speed increases, so does your comprehension. Learn to "blank out" any sounds or activity and engage the mind totally on the subject matter. It may take time, but you can increase your concentration.

In addition to concentrating, you must want to study. Wanting to study depends on your own motivation for attending college and the goal you are trying to reach. Whether you want to make good grades in a class or just want to pass the course, these attitudes will greatly influence the interest you have in the subject and whether or not you want to learn the subject will directly affect your ability to study.

If you derive no benefits from studying no matter how long or hard you work, perhaps a course in reading improvement will help. These skills are taught at M.C.C. in the Adult Learning Center or through developmental courses. In order to study almost any subject, good reading skills are needed. Even in classes where there are no standard textbooks used, the student must be able to read and comprehend directions and other work related material. Reading

improvement courses are designed to improve reading ability, comprehension, and in some classes, speed. Such courses will usually improve vocabulary and spelling as well.

If you find you are unable to study for long periods of time, try working for short periods several times a day. Gradually decrease the number of times per day you work and increase the length of time you study until you have reached a level that is comfortable for you. Some students may be able to work 2 or 3 times a day, others once a day, and still others 2 or 3 times a week.

Form good study habits as soon as you begin college. No matter where or how often you work, be sure you have your study accessories; a dictionary, your textbooks, pen, pencil, and notebooks, plus any other material the subject requires.

CLASS LECTURES

While in class, do not rely on your memory. Take notes while the instructor is lecturing or discussing any relevant information. Make notes of all important facts and details. Keep your notes by date, class, hour, and instructor for reference and review. If you have a physical condition which will not allow you to write, take a tape recorder to class or have a classmate take duplicate notes for you. If the instructor uses a word or term that is unfamiliar to you, ask what it means.

TEXTBOOKS

When preparing to study textbooks, assemble your study material; dictionary, notebook, pen, and other material needed. If you have a visual problem and have cassette or other taped material, be sure your braille material is at hand. If you do not know braille; record your notes on your tape recorder

and keep the tapes for reference and review. Make sure your tapes are labeled.

If you have a problem with motor coordination or manual dexterity and cannot turn the pages of your books, perhaps an automatic page turner will solve your problem. If you are unable to obtain an automatic page turner, you should use taped books. With either method you should tape your own notes for review. If it is impossible for you to manipulate a recorder, you should dictate your notes to someone else.

When encountering any word or term that is unfamiliar to you, look it up, or have someone look it up for you in the dictionary. One unknown word or term can defeat your entire study period, so be consistent about consulting your dictionary.

The visually impaired student should be sure that the reader will be ready to read the word meaning and pronunciation when the student requests it.

At the end of each chapter you should write or record a summary of that chapter. Often textbooks will have a summary, but if you do your own, you will retain more. Also, writing your own summary will improve your writing ability, which will be of value when you have to write term papers. Your textbook and lecture notes and summaries should be reviewed often to refresh your memory and avoid cramming at exam times. The more you review, the more you will remember.

TERM PAPERS

For the college freshman, the very phrase "term paper" can be frightening. Writing a term paper is not as difficult as you think. Often the instructor will give you some direction regarding the subject matter, length and form desired.

Before you begin writing your term paper, be sure your subject is clear to you. Then go to the library and select several books in the subject area. When you are ready to begin your research, have your notebook handy. Before you begin reading each book, write the name of the book, the author, publisher, and copyright date at the top of your notepaper. (If recording, you should tape following the same procedure and be sure the tapes are properly labeled). As you read, make notes, including the page number from the section of the book you are reading. When you have thoroughly researched your subject, decide what you want to say and make a step-by-step outline. Write an introduction to your topic first. Begin writing the paper, making sure you consult your research notes often. Be sure to write a footnote giving the title of the book, name of author and publisher, and the copyright date for each reference or quote from each research book. After you have finished writing your paper, you may want to write a conclusion. Do not worry if you have to revise several times. Consult your dictionary to be sure of correct spelling. Use Roget's Thesaurus so you won't use the same words several times. Get your paper as well written as you can, then proofread it again to be sure you said what you wanted to say in the best way possible. Each term paper you write gets a little easier, so don't be discouraged if your first one isn't too good. You will improve with time and practice.

TESTS AND EXAMS

Tests and exams have caused many college students to endure severe bouts of nervousness. If you study properly for an exam, you can face it with confidence. If the instructor does not inform the class what type of exam is to be given, ask. An exam may be multiple choice, true-false, question and answer, essay, or a combination of any of the above types. Before taking a test or exam, review all of your notes several times, then write a summary of the material the exam is to cover, paying particular attention to details.

Then review your notes and summaries again to see if you missed anything.

Try to be as relaxed as possible when taking a test. Read the instructions carefully and follow them completely. Then read the entire exam. You may think this is time consuming, but actually it will save you time. (If your exam is being read to you, have the reader read it to you in its entirety before answering questions). By reading the exam first, you know which questions are being asked and you can concentrate your attention on what you do know rather than what you don't know. Do not waste time on questions you can't answer. Finish the exam and then go back to any unanswered questions. This way you are freeing your mind of the already answered questions and can think more clearly. Often you will remember something you thought you had forgotten.

If you feel you need more help in acquiring good study skills, the library probably has some books that will help, or you may consult your counselor for advice.

The first semester in college is the hardest. After you have passed all of your first semester courses, you will lose a lot of fear and apprehension about your ability to succeed in college, and your counselor will probably be glad to help you with any special problems you may encounter.

It is vital that you keep communications open with all your instructors. They may not understand the problems your handicap creates in an academic setting. You may have to work out alternatives to notetaking, test taking or completing assignments. Don't wait until the semester is over to share confusion or a lack of understanding concerning a word, a concept, a chapter or an assignment. A personal crisis in your life may be causing temporary problems affecting your academic performance. You may wish to share this with them.

WHAT IF YOUR GRADES ARE POOR??

I. Purpose of Learning
   A. Attitude
   B. Instructor
      1. Personality
      2. Qualification
      3. Knowledge
   C. Scapegoating
      1. Instructor
      2. Test
      3. Conditions
      4. Test anxiety

II. Approach to earn all A's
   A. Revise Attitude
      1. Learning
      2. Depersonalization
      3. Personal responsibility
      4. Defenses
   B. Revise Habits
      1. Preparation
      2. Notes
      3. Cramming
      4. Results

III. Organize
   A. Study
   B. Retention

IV. Texts and Lecturers
   A. Lectures
   B. Notetaking
   C. Integration
   D. Recitation

V. Tests and Terms

VI. Summary

WHAT IF YOUR GRADES ARE POOR??

I. Our PURPOSE is to LEARN with, without or despite the instructor and the other students. Sometimes things get in the way.
   A. ATTITUDE: "I am here to learn what YOU TEACH ME." Things seem to go downhill from there.
   B. Instructor qualities are not uniform.
      1. Personality may range from nice to nasty.
      2. Qualifications to teach may range from dedicated and capable to indifferent and ineffective.
      3. Knowledge may cover spectrum from informed to ignorant. But, the instructor is not the prime factor in our inability to obtain good grades. Too often we employ a device to conceal our efforts.
   C. SCAPEGOATING: We tend to blame everyone and everything else for our personal failure.
      1. We blame the instructor.
      2. We say that it was the test itself.
      3. The conditions were wrong for a test that day.
         a, The environment was not right.
         b. Our personal horoscope stated that the signs were poor.
         c. There was not enough TIME to get ready.
      4. We suffer from TEST ANXIETY.

II. APPROACH: Do you desire to earn all A's in ALL courses?? If you answer yes to this question and are willing to put some effort into getting ORGANIZED, you need to keep reading.
   A. You need to CHANGE your ATTITUDE as regards the following:
      1. "I am here to be GUIDED in MY personal efforts to learn this topic."
      2. I am actually indifferent to the instructor's personality; I desire his guidance so that I can MASTER this SUBJECT.
      3. I, and I alone, am responsible for my progress and my grades.
      4. The vague term "TEST ANXIETY" was one of my defenses against personal lack of preparation or inadequate preparation.
   B. You need to REVISE your habits; I know that I need to change the methods that have failed in the past.
      1. PREPARATION: I came to class to be taught and not to be guided.
      2. Since I was not prepared, I took ineffective notes.
      3. I could not properly review my inadequate notes, so I CRAMMED.
      4. ...AND I FAILED (miserably).

III. SPECIFIC METHOD: Are you interested in an efficient application of your efforts that is guaranteed to produce only top level grades?? In ALL of your courses!! Read and apply the following concept. The concept of SQRRR.
   A. STUDY is SQR; we shall define study as the location, identification, and recording of facts, ideas, theories, laws, and terms.
      1. SURVEY: a quick skim and overview of the unit being studied to get the main idea of the TOPIC and its COVERAGE.
         a. OUTLINE Unit material.
            1) Sometimes outlines are in the table of contents.
            2) Different SIZES/COLORS of type are often used in books to identify main points and other divisions.
            3) Sometimes there are differences in SPACING to indicate the change points of the text.
         b. TERMS: list all terms on a separate sheet for definition.
         c. Skim the SUMMARY, if present, to see if you have MISSED any main points or important supporting material in the chapter.

III A.

d. NOTE: KEEP THIS PORTION BRIEF, DO NOT GET DEEPLY INVOLVED... YET. It should take no more than FIVE minutes to make this skeletal OUTLINE and the list of TERMS.

2. QUESTION: this is a manipulation of the outline and the list of terms obtained in the survey step.
   a. REPHRASE all main points and supporting material into QUESTIONS and record them on a separate sheet. MOST of the important exam questions MUST come from these lists...others may come from lectures and other sources.
   b. List ALL italicized or other emphasized TERMS on the Terms sheet. Sometimes over fifty percent of a test will deal with questions about TERMS.
   c. If you have the use of STUDY GUIDES, OBJECTIVE SHEETS or other questions, integrate these with your list of questions; some of them you will ALREADY have; add all others.
   d. INCLUDE questions that may be stated at the end of the unit in the test - again there may be some duplication.

THIS STEP SHOULD TAKE NO MORE THAN TEN/FIFTEEN MINUTES.

3. READ the unit again for the following reasons:
   a. LOOK for the ANSWERS to the questions you made in 2a above.
      1) HIGHLIGHT the answer in the text as identification so that you will not have to SEARCH for that answer again (in that book).
      2) NOTE the page on which the answer is found near the margin of the question; this is further location so that you will know the page that the answer is on when you look at the question sheet and wish to refer back to the page of the answer.
   b. LOOK for the definitions of the terms on the sheet. It may be helpful to leave the terms in the order in which they appear in the chapter/unit to make it easy to find them as you read for answers...may help to establish SEQUENCE/ORDER.
      1) HIGHLIGHT the definition for identification.
      2) NOTE the page near the TERM for easy location if required.

THIS STEP SHOULD TAKE NO MORE THAN THIRTY/FORTY MINUTES.

You have now completed the STUDY Phase; this is the minimum preparation that you should make prior to class. Now let's learn how to keep from forgetting all of these things.

B. RETENTION: we must MOVE this information into permanent storage and maintain rapid ACCESS to it; we use the last two Rs of the SQ3R Concept - the RECITATION AND THE REVIEW. These may be thought of as Repetition and Drill.

1. RECITATION: You ANSWER the questions and make the DEFINITIONS of terms from MEMORY.
   a. Record the answers.
   b. Compare with the answers you have highlighted in the text.
   c. Revise and correct your answers as required.
   d. REPEAT as necessary to achieve 100% accuracy.

THIS STEP SHOULD TAKE NO MORE THAN TEN/FIFTEEN MINUTES.

2. REVIEW: is DAILY RECITATION of all material covered between exams.
   a. MAKE it a TIMED and FORCED accomplishment.
   b. MAKE it LAST or CRAM it in; it is your GOAL, make yourself reach it.

III P2

c. For courses emphasizing COMPREHENSIVE (all inclusive) FINAL EXAMS, try the following schedule.
   1) DAILY review of all material up to the first exam.
   2) Repeat for all NEW material and review all old material on a weekly basis.
   3) Repeat for each additional test period until you have passed the FINAL with an A.

IV. TEXTBOOKS AND LECTURERS: What if the instructor does not follow the text?? He will, likely follow some of it; the course must emphasize some of the text. At any rate, you will have an outline, a list of the terms and a good knowledge of the material before you go to class. You will know enough to quickly and efficiently record the necessary NOTES to remember what the object of the lecture was...

A. The instructor in his lecture will have something to say in the areas below.
   1. Either something DEFINITE to say about one of the points in your outline or something definite to add to your outline.
   2. His discussion of the TOPIC should be organized (NOT ALWAYS).
   3. He should HIGHLIGHT the main points by placing emphasis on them.
   4. He will talk about BASIC facts.
   5. He will make a statement of fact/definition and ELABORATE or support it with examples, statistics, comparisons, contrasts and repetition.

B. The hard and cold FACTS of NOTETAKING involve your recognition of main points, sub-points and sub-sub-points and the definitions of terms just as you did in the survey step of the SQ3R. There are a few complications that do not exist in your self-paced preparation.
   1. A lecturer talks FASTER than you can write.
   2. You can only do one thing at a time efficiently...listening... writing or organizing.
   3. If the lecturer does not emphasize the main points, ask him to identify them for you during the class.
   4. Write down only the following:
      a. General topic
      b. Main and sub-points of the outline (sub-sub if used).
      c. Definitions of terms
      d. Illustrative diagrams and worked out problems.
      e. Charts and graphs if not already in pre-class notes.

C. INTEGRATE the lecture notes into your preparatory outline notes; observe for correlations, differences and additional data.
   1. HIGHLIGHT the ADDITIONS or disagreements - if the instructor felt that they were important enough to mention, you should emphasize them as they are certain to become exam questions.
   2. Treat lecture outline as you did the outline in your pre-class preparatory notes. Perform ORR on these notes - you have already done the SURVEY in CLASS when you obtained the notes.
   3. RECITATION is performed on the INTEGRATED notes. If opposing viewpoint crop up, ask the instructor at the next session of the class to explain the controversy.

D. DAILY REVIEW of the combined notes is sufficient preparation for any fair and objective examination of any type.

We change our grades by changing: our attitudes from "teach me" to "guide my Learning"; from "scapegoating" to individual responsibility and proper preparation, to personal assumption of the learning process; from test anxiety to justificable confidencein our ability to be consistently prepared to achieve a high level of performance on any examination of any type or combination.

V. TESTS should be learning devices. Tests are a measurement of learning - which has the two parts studying and retention. Anxiety about something that we KNOW well is a contradiction of self confidence. There are techniques of taking tests as well as there are for learning. If you have kept your pact with yourself and had daily recitation for each class, you KNOW the material well enough to score in the 90 to 100 bracket on any fair test on the subjects. Some of the different types of tests and techniques are listed below.
   A. TRUE-FALSE: mostly ideas, concepts and methods; concentrate on your answers to the outline main points, sub-points and sub-sub-points; sometimes TERM questions appear here.
   B. COMPLETIONS: mostly terms, may include ideas and concepts.
   C. ESSAY: Concentrate on your definitions of terms which express ideas, concepts, laws, theories and methods; look at your answers to the main point questions.
   D. MULTIPLE CHOICE: highly selective and discriminating type of question. Concepts, ideas, theories, rules, methods, laws are measured quite accurately by this type. A sure fire technique is listed.
      1. Cover all of the choices (the wrong answers are called "distractors").
      2. Read the question THOROUGHLY and mentally answer it from memory. WRITE the answer down if possible.
      3. UNCOVER the choices, one by one, and COMPARE them with your CORRECT ANSWER.
      4. EVALUATE the comparison and SELECT the test answer.
         a. Record the answer where there is a match.
         b. Record "none of the above" if there is NO MATCH.
         c. Record "all of the above" if ALL MATCH.
         d. Record "A & X above" if A & X match.
         e. Record the CLOSEST answer if you cannot get a clear match as in a. to d. above. This type of question is very difficult to answer from incomplete knowledge; you should have no trouble if you have kept up your daily recitations.
   E. MATCHING: terms and definitions mostly
   F. TERMS IN EXAM questions. The following terms will help you to understand fully what the question wishes you to do. All questions must be carefully read so that you will know what ALL to do; most instructors count off points if an incomplete answer is given.
      1. COMPARE: examine qualities/characteristics for similarities; resemblances are emphasized.
      2. CONTRAST: stress differences/dissimilarities.
      3. CRITICIZE: Judge merit of factors, discuss limitations and advantages.
      4. DEFINE: concise, clear, authoritative meaning(s); classify by differentiating from others in its class.
      5. DESCRIBE: recount, characterize, sketch or relate in narrative form.
      6. DIAGRAM: drawings, charts, plans or other graphic representations with correct LABELS attached.

V F.

7. DISCUSS: examine, analyze carefully, present pros and cons in a complete and detailed answer.
8. ENUMERATE: or LIST: outline form of reply; recount one by one the X points required.
9. EXPLAIN: classify, elucidate and interpret; state the HOW and the WHY; state CAUSES: RECONCILE differences in expected results and experimental results.
10. ILLUSTRATE: explain and or classify answer by using a figure, diagram, picture OR a CONCRETE example.
11. INTERPRET: similar to EXPLANATION; solve, translate. exemplify or comment on subject and give your opinion/judgment on or your reaction to it.
12. OUTLINE: organized description: main points with supplemental material presented in a systematic arrangement or classification.
13. RELATE: emphasize connections/associations in a descriptive manner.
14. REVIEW: critical EXAMINATION; analyze and comment BRIEFLY in an organized sequence upon the major points of the problem.
15. SUMMARIZE: give MAIN POINTS in a condensed form.
16. TRACE: give a DESCRIPTION of progress; historical sequence, develop from point of origin.

VI. SUMMARY:

Our attitudes about learning, our opinions about personalities and scapegoating failures frequently cause us to miss our reward for learning and forget our purpose for learning.

An organized approach can revise our habits and change our attitudes.

SP3R is one of the most efficient methods and gives a guarantee of success.

Since not all of the pertinent material will be in the textbook, we need to organize our notetaking techniques; further, we need to integrate the lecture notes with our preparatory notes and study all of the material by the SQ3R method.

We remove TESTS from the anxiety catagory by efficient application of the organized approach to study, retention and understanding typical test terms and test taking techniques.

So what is in all of this for you??

You have guaranteed yourself to learn a lot of material that you have been missing in class; you will be able to do some EFFICIENT listening in class with a minimum of writing/organizing notes; you will hear a lot of things that you already know about and will feel good that you recognize some of the main points; you will get more knowledge out of the course than you would have if you had waited to be "TAUGHT"; you will participate in a learning experience with instructor guidance; you can give yourself "pats on the back" for the high grades that you will obtain whenever you are given the opportunity to demonstrate your knowledge on a test; you will be getting a lot more mileage out of your study time than other more inefficient methods gave you; you will be getting a lot of sleep while others burn the midnight oil trying to "cram" for a test; you will be able to earn As in any and all courses that you are willing to do the work in.

And, you will like yourself better!!!

ATTACHMENT M

PUBLICITY MATERIAL

SUPPORT SERVICES FOR THE PHYSICALLY LIMITED

I. PURPOSE

To provide individualized supportive services to meet the unique needs of the physically and sensorially handicapped student so that he can attend regular classes; assist in adjusting to campus life and minimize as many physical, psychological, and attitudial barriers as possible.

II. SERVICES

A. Pre-registration - for those students whose disability require it.

B. Special Counseling - to assist the student in the selection of courses and formulating a schedule to meet his particular needs in view of his limitations and goals. To provide personal counseling and referral to community agencies as needed.

C. Mobility Aides - for both the orthopedic and visually impaired student.

D. Reader Service - to tape textbooks, homework assignments, exams and tests and in-classroom assistance when needed.

E. Notetakers - for the deaf and orthopedically handicapped who are unable to write and transcribe oral material for themselves.

F. Interpreters - for counseling, registration, in-classroom, and other on-campus needs of the deaf and hearing impaired.

G. Individual & Group Tutoring - as needed.

H. Class Scheduling - special attention is paid to times and location of classes to insure accessibility.

I. Personal Aides - for any student who needs assistance to use the restroom, get lunch and snacks, dress or undress for PE classes, or transfer from one locale to another.

J. Special Parking - for the students in wheelchairs or with limited mobility.

K. Adjustment Counseling - for those students who may have difficulty in adjusting to college life and routines.

L. Special Equipment - as needed.
1. (3) Electric wheelchairs
2. (12) Tape recorders and tapes
3. (6) Ponchos
4. Other equipment should need occur.

M. Transportation - for students needing rides to and/or from the campus who are without other means of transportation or lacking transportation resources at certain times of the day. Special transportation to campus athletic or special events can be provided for a group of S.S.P.L. students.

N. Physical Education - designed on an individual basis for the S.S.P.L. student to help one condition the body within existing limitations and develop lifetime recreation skills.

III. UNITY UNLIMITED

A social club founded by and made up of members of S.S.P.L. program and those planning to work with the handicapped.

IV. HOW TO APPLY

Contact the Support Services Office at McLennan Community College.

A. High school graduate or GED can come into the program for remedial or academic work leading to a certificate or Associate degree.

B. Over 18 can come into the program to take remedial work (Adult Basic Education) leading to the completion of a GED.

ATTACHMENT N

AWARENESS WEEK PACKET

FIVE PAGES OF ATTACHMENT N
HAVE BEEN REMOVED PRIOR TO ITS SUBMISSION
TO THE ERIC REPRODUCTION SERVICE BECAUSE
THEY CONTAINED COPYRIGHTED MATERIAL.

AWARENESS WEEK

April 11 - 15

Coordinated by MCC's Unity Unlimited Club & Support Services
for the Physically & Sensorially Limited Program

The purposes include the sensitizing of the general community and the college community to the needs, problems, and challenges of handicapped individuals and the types of conditions that exist that cause handicapping within the population:

Monday, April 11:

10:00 - 11:00 Blind Obstacle Course open to all students, faculty, and staff to feel what it is like to be blind - Between Administration Building and Library.

10:00 - 11:00 Display of modifying tools used by handicapped individuals and slides on SSPL program - Student Center.

10:15 - 11:00 MCC clubs competing in wheelchair obstacle race - Front of the Student Center.

Wednesday, April 13:

10:00 - 11:00 Display of modifying tools used by handicapped individuals and slides on SSPL program - Student Center.

10:00 - 10:30 Central Texas Children's Theatre of the Deaf - Lecture Hall. Open to MCC students, staff, faculty, and the public.

10:30 - 11:00 Discussion on problems of the sensorially handicapped - Lecture Hall. Moderator: Mrs. Kitty Ferguson, Program Coordinator, North Central Texas Region Day School Program for Deaf Education.
Douglas Burke, Educational Program Director for West Texas-Panhandle Regional Program for Deaf.
Randy Green, Director, VA Hospital Blind Rehabilitation Unit.
Open to MCC students, staff, faculty, and the public.

Friday, April 15:

10:00 - 11:00 Display of modifying tools used by handicapped individuals and slides on SSPL program - Student Center.

10:00 - 11:00 Discussion on problems of the physically handicapped - Lecture Hall.
Moderator: Bob Thomas, McLennan County Judge.
Miss Buffy Fetter, Coordinator of Services for Handicapped Students - Eastfield College in Dallas.
Mrs. Reba King, Director of Special Education for Waco Independent School District.
Mr. Ted Thayer, Program Specialist, Texas Rehabilitation Commission - Austin.

McLENNAN COMMUNITY COLLEGE

INTER-OFFICE MEMORANDUM

DATE March 16, 1977

TO: MCC Instructors

REPLY REQUESTED: ☐ YES ☐ NO

FROM: Cathy Kelley

RE:

The Support Services for the Physically and Sensorially Limited program at MCC and the Unity Unlimited Club are co-sponsoring an Awareness Week to be held from April 11 through April 15.

The purposes include the sensitizing of the general community and the campus community to the needs, problems and challenges of handicapped individuals and the type of conditions that exist that cause handicapping within the population. This will be accomplished through the following programs and methods: the enclosed list has been compiled by Maggie Harbaugh. It lists books and articles about handicapped individuals and handicapping conditions. This might be useful to you as you assign special themes and research papers around this subject during this week or at other times.

A film list is being compiled and will also be distributed to you so that you may order films directly through the Media Center for viewing during the week in the classroom.

A list of speakers will also be distributed to you so you can make personal arrangements with speakers to visit your classroom. The speakers will include those who are handicapped and professionals who work closely with people who have these handicapping conditions. They will be identified as to areas of expertise.

We welcome any comments, suggestions or questions concerning this week and hope it proves helpful in various ways to you and your students.

Cathy Kelley

CK:mm

CC: Dr. LaVerne Wong
Dr. Smith
Dr. Hastings
Files

MCC LIBRARY MATERIALS ON THE PHYSICALLY LIMITED

Compiled by Margaret Harbaugh

PERIODICAL ARTICLES
1972 - 1976

Bethell, T. "Wheelchair Justice." Washington Monthly 8 (June 1976): 51-57.

"Disabled Scientists Featured in Newsweek, Atlantic." Science 194 (December 3, 1976) 1038.

"For Better -- or for Worse? Adjustment to Husband Crippled in Skiing Accident." Good Housekeeping 183 (June 1976) 44 ff.

Gaylin, J. "Programs that Help the Parents, the Patients, and the Planners." Psychology Today 10 (December 1976) 99.

Goodman, L. V. "Bill of Rights for the Handicapped." American Education 12 (July 1976) 6-8.

"Helen Keller." Current Biography Yearbook, 1942.

Holden, C. "Handicapped: HEW Moving on Civil Rights in Higher Education." Science 194 (December 24, 1976) 1399-1402.

Horn, J. "Bringing the Arts to the Handicapped." Psychology Today 9 (April 1976) 29-30.

Jones, M. C. "Handicapped Can Now Talk with a Whisper, Frown, or Sniff: Whisper Type Communication System." Science Digest 76 (July 1974) 29.

Kupcha, D. A. "Wheelchairs on the Move: Disabled Women's Coalition Mobilizes in Berkeley." Ms 5 (August 1976) 22.

Louvier, V. "Making it Easier to Hire the Handicapped." Nations Business 64 (July 1976) 51.

_____ "Why a Shut-in Is No Longer Shut Out: D. Boyce, Computer Programmer." Nations Business 62 (September 1974) 35.

Low, J. "Single Step for Handicapped" Community and Junior College Journal 46 (November 1975) 18-21.

Mason, T. "Jill Kinmont: Broken Life Made Whole Again." Life 73 (September 1972) 55-58.

Mitchell, D. C. "Preferences for Physically Disabled Counselors in Hypothetical Counseling Situations." Journal of Counseling Psychology 22 (November 1975) 477-482.

"National Forum Addresses Problems of Handicapped." Parks and Recreation 9 (November 1974) 35-36.

"New Deal for Handicapped in Jobs, Housing, Recreation ..." U.S. News and World Report 77 (July 22, 1974) 39-41.

"Roy Campanella." Current Biography Yearbook. 1953.

Rustin, J. "Integrating Disabled Students Into a College Population." Social Casework 56 (November 1975) 538-542.

Schneider, E. P. "Human Sexuality and the Handicapped." Personnel and Guidance Journal 54 (March 1976) 378-380.

Steinberg, E. "Labor Force Participation of Recently Disabled Adults." Monthly Labor Review 99 (April 1976) 45-46.

Wagner, J. "When Children Ask About Handicaps, Physical Disabilities." American Education 11 (August 1975) 28-31.

MONOGRAPHS

Adams, Ronald C. Games, Sports and Exercises For the Physically Handicapped. Philadelphia: Lea & Febiger, 1972.

Berger, Kenneth Walter. Speechreading: Principles and Methods. Baltimore: National Educational Press, 1972.

Burlingham, Dorothy. Psychoanalytic Studies of the Sighted and the Blind. New York: International Universities Press, 1972.

Cratty, Bryant J. Movememt and Spatial Awareness in Blind Children and Youth. Springfield, Illinois: Thomas, 1971.

Gibson, William. The Miracle Worker. New York: Knopf, 1967.

Koestler, Frances A. The Unseen Minority: A Social History of Blindness in America. New York: David McKay, 1976.

Lotz, Philip Henry. Unused Alibis. Newport, N.Y.: Books for Libraries Press, 1970.

Lukoff, Irving F. and Oscar Cohen. Attitudes Toward Blind Persons. New York: American Foundation for the Blind, 1972.

Monbuck, Michael E. The Meaning of Blindness; Attitudes toward Blindness and Blind People. Bloomington: Indiana University Press, 1973.

Rights of the Physically Handicapped: A Layman's Guide to the Law. Marshall, Minnesota: Southwest State University, 1976.

Rosenthal, Richard. The Hearing Loss Handbook. New York: St. Martin's Press, 1975.

Washam, Veronica. The One-hander's Book: A Basic Guide to Activities of Daily Living. New York: John Day, 1973.

West, Paul. Words for a Deaf Daughter. New York: Harper & Row, 1976.

Wilson, Dorothy Clarke. Hilary: The Brave World of Hilary Pole. New York: McGraw Hill, 1973.

Wright, David. Deafness. New York: Stein & Day, 1970.

FILMS FOR USE DURING AWARENESS WEEK
April 11 - 15

Call Wayne Murphy (Ext. 260) in Media Center to indicate films you want to use and dates needed.

"What You Do When You Meet A Blind Person" (20-30 minutes)

"Balance Sheet" (22 minutes, 16mm, color: Attitudes of employer/businessman/handicapped person and social service agency)

"A Day In The Life of Bonnie Consolo" (16-1/2 minutes, 16mm, color: About a woman born without arms and leads a normal productive life)

"Like Other People" (37 minutes, 16mm, color: Social and emotional needs of mentally and physically handicapped persons [CP])

"New Day For Epileptics" (20 minutes, 16mm, black & white: Actual case histories of epileptics)

"Only Human" (Toward an understanding of rehabilitation system)

"Opportunities Unlimited" (Rehabilitation process)

"Sound of Trumpets" (16mm, color: Architectural barriers)

"Help On Wheels" (15 minutes, color, 16mm: Family life and family counseling)

"Is It Always Right To Be Right" (Communication on human relations)

"Swan Lake" (30 minutes, black & white: Interviews with deaf teenagers)

"On My Own Feeling Proud" (30 minutes, black & white: Awareness of many handicaps)

"The Silent Drum" (30 minutes, black & white: Deaf awareness)

"Listen" (30 minutes, black & white: Documentary on hearing loss)

"Never To Hear The Wind" (30 minutes, black & white: Nanette Fabray, understanding the deaf)

"Heidelberg '72" (Wheelchair olympics - 1972)

"Readin' and Writin' Ain't Everything" (16mm, 26 minutes: Through personal accounts of four families living daily with mental retardation, the film illustrates the need for community programs that meet individual needs regardless of intellectual capacity)

"People First" (34 minutes, 16mm: The most ambitious, powerful film ever produced for the developmentally disabled. This film was shot to document the lives and political activities of People First, the first self-advocacy group of disabled citizens)

"Count Me In" (20 minutes, 16mm: Defines developmental disabilities and illustrates 'normalization' via the words of neighbors, employers and the handicapped themselves)

"Walk Awhile. . .In My Shoes" (27 minutes, 16mm: Examines the world of mobility through the eyes of three handicapped people and emphasizes the need for improved facilities for the physically handicapped)

"No Whistles, No Bells, No Bedlam" (Deaf awareness)

"Tom Morrison, Exec" (Cerebral Palsy)

Suggestions for Speakers for Awareness Week
April 11th - 15th

Students:

Sandy Anderson	Cerebral Palsy
Phyllis Shaw	Hearing impaired
Evlyn Holley	Hearing impaired
Dorothy McCoy	Postpolio - paraplegic (wheelchair)
Dwight Smith	Paraplegic - auto accident (wheelchair)
Kelvin Spencer	Blind
Joe Taylor	Quadriplegic (wheelchair)
Pat Whited	Diabetic

Feel free to contact SSPL office and we can help you make arrangements with students.

Businessmen and women in wheelchairs:

Bob Thomas - County Judge (756-7171)
Alton Clark - Attorney (753-6494)
Sam Dehm - Stockbroker (752-5524)
Miss Betty McWilliams - Teacher, Richfield High School (776-1150)

Learning Disability Specialists:

Mrs. Cynthia Squires - Region 12 Education Center (756-7494)
Mrs. June Meador - Region 12 Education Center (756-7494) - Mother of Learning Disability student

Rehabilitation Specialists - General:

Texas Rehabilitation Commission (756-5401)
Richard Jurek, Director
Mario Scorza, Counselor - SSPL/TRC Coordinator
Lonnie Benson, Counselor
Ben King, Counselor
Calvin Willard (hearing impaired), Counselor

Central Texas Rehabilitation Center (756-4447)
Mrs. Betty Pettis, Executive Director
Keith Hankins, OTR, Chief
Marianne Punchard, OTR
Arthur Norton, LPT, Chief
John Wise, PhD., Psychologist
Patricia Metzger, Speech Pathology, Chief

A. P. Garrett, Director of Goodwill Industries, Inc. (753-7337) & Pete Johnson
Gary Gentry, Personnel Director - Providence Hospital, former Goodwill Rehabilitation Counselor (753-4551)
Jim Freeman, Director - Lighthouse for the Blind (partially sighted) (754-1062)

Rehabilitation Specialists - Sight Impaired:

Randy Green, Director VA Hospital Blind Rehabilitation Unit (756-6511)
Dr. Wallace Norten, VA Regional Office (former TRC counselor) (756-6511)

Rehabilitation Specialists - Sight Impaired (cont'd):

Texas Commission for the Blind (752-9771)
F. Budge Kimbell, Director
Ted York, Counselor
Bob Packard, Counselor

Rehabilitation Specialists - Hearing Impaired:

Mrs. Kitty Ferguson, Program Coordinator, North Central Texas Regional Day School Program (756-1885)
Ms. Diane Friend, Administrative Coordinator - Waco Regional School for the Deaf (753-0294)
Bill Davis, Counselor - Waco Regional School for the Deaf (753-0294)
N. S. Draughn (hearing impaired), State Commission for the Deaf (P. O. Box 761 Temple, Texas 76501)

Rehabilitation Specialist - Physical Therapy:

Jim Dalton (752-1171)

Rehabilitation Specialist - Speech:

Dr. Gardner Gately, Director - Baylor University Speech and Hearing Clinic (755-2567)

Cerebral Palsied:

Mrs. Catherine Sams Howell (776-3524)

Rehabilitation Specialist - Education:

Mrs. Reba King, Director of Special Education - Waco Independent School District (752-8341)

Rehabilitation Specialist - VA Hospital (including vocational):

Dr. Clifford Knape, Director of Counseling Services (752-6581)

Rehabilitation Specialist - Vocational Placement:

Newt Bingham, Head of Placement for the Handicapped at TEC (754-5421)

Legislation Specialists:

Lane Denton, former state legislator (756-2650)
Lyndon Olson, Jr., State Representative - double amputee (756-4411)

Architectural Barriers Specialists:

John Dudley (Bush & Dudley Architects-Engineers, Inc.-7525568)
Carmahan & Bennett (776-5181)

and . . . you may have others you know in the community.

McLENNAN COMMUNITY COLLEGE

INTER-OFFICE MEMORANDUM

DATE March 31, 1977

TO: MCC Instructors

REPLY REQUESTED: ☐ YES ☐ NO

FROM: Cathy Kelley CK

RE:

An addendum to the films available for Awareness Week, April 11-15.

"The Surest Test" (Architectural barriers)

"Leo Beurman" (On dwarfism: This may be of special use to you in human growth and development)

We are attempting to get permission to tape many of these films so that they can be available for your use throughout the year. Also of value to you will be a tape that will be made on Friday, April 15 of those who have been simulating handicapped conditions that morning and will be available through the Media Center.

Corrections on the list of suggested speakers:

Mrs. Mary Sams Howell

Dr. Wallace Norton

Cathy Kelley

CK:mm

THESE ARCHITECTURAL FEATURES WOULD ELIMINATE BARRIERS TO THE HANDICAPPED:

At least one building entrance at ground level

32" wide doors that open easily

Level thresholds to buildings and rooms

Sloping ramps instead of stairs (ratio 1' to 12')

Safe parking for the handicapped close to buildings

Level walks with no curbs at crossways

Access by the handicapped to elevators

Restrooms with wide stalls and grab bars for wheelchair users

Handrails on all stairways - extending 18" beyond top and bottom steps

Non-slip floors (non-skid wax is available)

Lower fountains and public telephones for wheelchair users

These features are practical
for all citizens, not just
the handicapped

See what you can do to
make your community
more accessible
to everyone

ATTACHMENT O

FEDERAL REGULATIONS

federal register

WEDNESDAY, MAY 4, 1977

PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

NONDISCRIMINATION ON BASIS OF HANDICAP

Programs and Activities Receiving or Benefiting from Federal Financial Assistance

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 84—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: This regulation implements section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 706, with regard to federal financial assistance administered by the Department of Health, Education, and Welfare. Section 504 provides that "no otherwise qualified handicapped individual * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." The regulation, which applies to all recipients of federal assistance from HEW, is intended to ensure that their federally assisted programs and activities are operated without discrimination on the basis of handicap. The regulation defines and forbids acts of discrimination against qualified handicapped persons in employment and in the operation of programs and activities receiving assistance from the Department. As employers, recipients must make reasonable accommodation to the handicaps of applicants and employees unless the accommodation would cause the employer undue hardship. As providers of services, recipients are required to make programs operated in existing facilities accessible to handicapped persons, to ensure that new facilities are constructed so as to be readily accessible to handicapped persons, and to operate their programs in a nondiscriminatory manner.

EFFECTIVE DATE: June 3, 1977.

FOR FURTHER INFORMATION, CONTACT:

John Wodatch, Director, Office of New Programs, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. 20201, 202-245-1821.

SUPPLEMENTARY INFORMATION:

BACKGROUND

As part of the Rehabilitation Act of 1973 (Public Law 93-112) Congress enacted section 504, which provides that "no otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financal assistance." In the same statute, Congress defined the term "handicapped individual" solely with relationship to employment; section 7(6) of the 1973 Act defined the term "handicapped individual" as "any individual who (a) has a physical or mental disability which for such individual constitutes or results in substantial handicap to employment and (b) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services * * *." However, the following year, in section 111(a) of the Rehabilitation Act Amendments of 1974 (Public Law 93-516), Congress amended the definition of "handicapped individual" for purposes of section 504 and the other provisions of titles IV and V of the Rehabilitation Act so that the definition is no longer limited to the dimension of employability. For purposes of section 504 of the Act, a "handicapped individual" is defined as "any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment." With this amended definition, it became clear that section 504 was intended to forbid discrimination against all handicapped individuals, regardless of their need for or ability to benefit from vocational rehabilitation services.

Section 504 thus represents the first Federal civil rights law protecting the rights of handicapped persons and reflects a national commitment to end discrimination on the basis of handicap. The language of section 504 is almost identical to the comparable nondiscrimination provisions of title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972 (applying to racial discrimination and to discrimination in education on the basis of sex). It establishes a mandate to end discrimination and to bring handicapped persons into the mainstream of American life. The Secretary intends vigorously to implement and enforce that mandate.

THE PROBLEM OF DISCRIMINATION

From the outset, the Department has recognized that the problem of ending discrimination on the basis of handicap presents considerations that are extremely complex. The diversity of types of handicaps, as well as the wide variety of settings in which programs financed by the Department are offered, make the task of prescribing general rules of nondiscriminatory treatment a difficult one.

There is overwhelming evidence that in the past many handicapped persons have been excluded from programs entirely or denied equal treatment, simply because they are handicapped. But eliminating such gross exclusions and denials of equal treatment is not sufficient to assure genuine equal opportunity. In drafting a regulation to prohibit exclusion and discrimination, it became clear that different or special treatment of handicapped persons, because of their handicaps, may be necessary in a number of contexts in order to ensure equal opportunity. Thus, for example, it is meaningless to "admit" a handicapped person in a wheelchair to a program if the program is offered only on the third floor of a walk-up building. Nor is one providing equal educational opportunity to a deaf child by admitting him or her to a classroom but providing no means for the child to understand the teacher or receive instruction.

These problems have been compounded by the fact that ending discriminatory practices and providing equal access to programs may involve major burdens on some recipients. Those burdens and costs, to be sure, provide no basis for exemption from section 504 or this regulation: Congress' mandate to end discrimination is clear. But it is also clear that factors of burden and cost had to be taken into account in the regulation in prescribing the actions necessary to end discrimination and to bring handicapped persons into full participation in federally financed programs and activities.

The very general language of section 504 itself and the scant legislative history surrounding its enactment provide little guidance as to how these complex issues should be resolved. The rulemaking process in which the Department has engaged has, however, provided a basis for an initial resolution of those issues. The Secretary believes the resulting regulation offers genuine promise of providing an effective and workable program for ending discrimination against handicapped persons.

RULEMAKING HISTORY

On May 17, 1976, the Department published a Notice of Intent to Issue Proposed Rules, seeking public comment on fifteen identified critical issues. 41 FR 20296. A draft proposed rule was attached to the Notice of Intent, as was a statement of the estimated economic and inflationary impact of the draft proposal, prepared in accordance with the requirements of Executive Order 11821.

Over three hundred written comments were received in response to the Notice of Intent. The written comments were supplemented by a series of ten meetings conducted by the Office for Civil Rights at various locations across the country.

On July 16, 1976, the Department published a Notice of Proposed Rulemaking analyzing comments received on the critical issues identified in the Notice of Intent and setting forth a revised proposed regulation for public comment. 41 FR 29548. The initial 60-day comment period was extended in response to numerous requests until October 14, 1976. Additional comments received since that date have also been considered to the extent feasible. A total of more than 700 comments were received in response to the July 16 Notice of Proposed Rulemaking; they have been analyzed along with approximately 150 comments sent in response to May 17 Notice that were received too late to be analyzed during the first comment period. Finally, an additional twenty-two public meetings were held after publication of the July 16 Notice, again designed to inform interested persons and organizations of the proposed regulation and to solicit their comments and recommendations. Transcripts of all these meetings were made and analyzed along with the writ-

ten comments. Copies of these transcripts, as well as the written comments, are available for public inspection in Room 5400, 330 Independence Avenue, S.W., Washington, D.C. 20201.

The Secretary believes that both the written comments and the views expressed at the public meetings have illuminated the complex issues involved in implementing section 504 in an effective and workable fashion. The Secretary's response to the comments of interested parties, and the explanation for changes in the proposed regulation, are set forth in the section-by-section analysis of each subpart of the regulation, which appears as Appendix A to the regulation. As that analysis explains, a number of provisions in the proposed regulation have been eliminated as duplicative or unnecessary; others have been shortened or clarified. The goal throughout has been to design a regulation that preserves the essential elements of a strong and effective program for ending discrimination, while avoiding the imposition of unnecessary or counterproductive administrative obligations on recipients.

Overview of Regulation

The regulation is divided into seven subparts. Subpart A (General Provisions) defines the important terms that are used throughout the regulation and states in general terms the discriminatory acts that are prohibited. It also sets forth what the Secretary believes is a simple, workable system of administration: assurances of compliance, self-evaluation by recipients, establishment of grievance procedures, and notification of employes and beneficiaries of the recipient's policy of nondiscrimination on the basis of handicap. The regulation covers all types of physical and mental impairments, including drug addition and alcoholism.

Subpart B, dealing with employment practices, bars discrimination by recipients of HEW assistance in recruitment, hiring, compensation, job assignment and classification, and fringe benefits. It also requires employers to make reasonable accommodation to qualified handicapped applicants or employees unless it can be demonstrated that the accommodation would impose an undue hardship on the employer.

Subpart C sets forth the central requirement of the regulation—program accessibility. All new facilities are required to be constructed so as to be readily accessible to and usable by handicapped persons. Every existing facility need not be made physically accessible, but all recipients must ensure that programs conducted in those facilities are made accessible. While flexibility is allowed in choosing methods that in fact make programs in existing facilities accessible, structural changes in such facilities must be undertaken if no other means of assuring program accessibility is available.

Subparts A, B, and C of the regulation, as well as subpart G—which incorporates by reference the Department's procedures under title VI of the Civil Rights Act of 1964—apply to all recipients of financial assistance from the Department. The remaining subparts of the regulation contain more specific requirements applicable to three major classes of recipients.

Subpart D is concerned with preschool, elementary, and secondary education. Its provisions have been closely coordinated with those of the Education for All Handicapped Children Act of 1975 (Pub. L. 94-142). They require, basically, that recipients operating public education programs provide a free appropriate education to each qualified handicapped child in the most normal setting appropriate. The regulation also sets forth evaluation requirements designed to ensure the proper classification and placement of handicapped children, and due process procedures for resolving disputes over placement of students. While the Department does not intend to review individual placement decisions, it does intend to ensure that testing and evaluation procedures required by the regulation are carried out, and that school systems provide an adequate opportunity for parents to challenge and seek review of these critical decisions. And the Department will place a high priority on pursuing cases in which a pattern or practice of discriminatory placements may be involved.

Subpart E deals with postsecondary education. It proscribes discrimination against handicapped persons in recruitment, admission and treatment after admission. Colleges and universities are required to make reasonable adjustments to permit handicapped persons to fulfill academic requirements, and to ensure that they are not effectively excluded from programs because of the absence of auxiliary aids. Groups of colleges may not establish consortia exclusively for handicapped students.

Finally, Subpart F deals with health, welfare and other social service programs. It forbids discrimination in providing such services and requires larger recipients to provide auxiliary aids to handicapped individuals where necessary. Specific provisions require hospitals not to discriminate against addicts or alcoholics who need medical services and to establish emergency room procedures for communication with persons with impaired hearing. Under Subpart C, health and social service providers may satisfy their program accessibility obligations with respect to existing facilities by arranging to meet beneficiaries in accessible locations. In addition, small providers may refer patients or other beneficiaries to accessible providers as a "last resort" alternative to making significant structural changes.

Executive Order 11914

Under Executive Order 11914 (41 FR 17871, April 28, 1976), the Department is required to issue general standards for other departments and agencies of the Federal government to follow in promulgating regulations implementing Section 504. This responsibility will be fulfilled promptly and independently from this regulation. The Department does, however, expect to incorporate the definition of handicapped person adopted in § 84.3 (j) of this regulation in the standards for determining what persons are covered by the Act. The Secretary also anticipates that the relevant provisions of Subparts A, B and C of the regulation will be the basis for guidelines, pursuant to the Executive Order, as to what are discriminatory practices.

Economic Impact

The Department has previously certified, in issuing the Notice of Intent and the Notice of Proposed Rulemaking, that the economic and inflationary impact of the proposed regulation had been carefully evaluated in accordance with OMB Circular A-107. That analysis, which was printed at 41 FR 20312 (May 17, 1976), has been revised and updated, and is available on request.

Section-by-Section Analysis of Regulation

Appended to the final regulation is a section-by-section analysis of the regulation, which describes the basis and purpose of each section, discusses significant comments, and explains the basis for any changes made from the proposed regulation published in July 1976.

In consideration of the foregoing, Part 84, to read as set forth below, is hereby ordered to be added to Title 45 of the Code of Federal Regulations.

Dated: April 28, 1977.

Joseph A. Califano, Jr.,
Secretary, Department of Health, Education, and Welfare.

Subpart A—General Provisions

Sec.
84.1 Purpose.
84.2 Application.
84.3 Definitions.
84.4 Discrimination prohibited.
84.5 Assurances required.
84.6 Remedial action, voluntary action, and self-evaluation.
84.7 Designation of responsible employee and adoption of grievance procedures.
84.8 Notice.
84.9 Administrative requirements for small recipients.
84.10 Effect of state or local law or other requirements and effect of employment opportunities.

Subpart B—Employment Practices

84.11 Discrimination prohibited.
84.12 Reasonable accommodation.
84.13 Employment criteria.
84.14 Preemployment inquiries.
84.15-84.20 [Reserved]

Subpart C—Program Accessibility

84.21 Discrimination prohibited.
84.22 Existing facilities.
84.23 New construction.
84.24-84.30 [Reserved]

Subpart D—Preschool, Elementary, and Secondary Education

84.31 Application of this subpart.
84.32 Location and notification.
84.33 Free appropriate public education.
84.34 Educational setting.
84.35 Evaluation and placement.

Sec.
84.36 Procedural safeguards.
84.37 Nonacademic services.
84.38 Preschool and adult education programs.
84.39 Private education programs.
84.40 [Reserved]

Subpart E—Postsecondary Education

84.41 Application of this subpart.
84.42 Admissions and recruitment.
84.43 Treatment of students; general.
84.44 Academic adjustments.
84.45 Housing.
84.46 Financial and employment assistance to students.
84.47 Nonacademic services.
84.48–84.50 [Reserved]

Subpart F—Health, Welfare, and Social Services

84.51 Application of this subpart.
84.52 Health, welfare, and other social services.
84.53 Drug and alcohol addicts.
84.54 Education of institutionalized persons.
84.55–84.60 [Reserved]

Subpart G—Procedures

84.61 Procedures.
84.62–99 [Reserved]

APPENDIX A—ANALYSIS OF FINAL REGULATION

AUTHORITY: Sec. 504, Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794); sec. 111(a), Rehabilitation Act Amendments of 1974, Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706); sec. 606, Education of the Handicapped Act (20 U.S.C. 1405), as amended by Pub. L. 94–142, 89 Stat 795; sec. 321, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, 84 Stat. 182 (42 U.S.C. 4581), as amended; sec. 407, Drug Abuse Office and Treatment Act of 1972, 86 Stat. 78 (21 U.S.C. 1174), as amended.

Subpart A—General Provisions

§ 84.1 Purpose.

The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

§ 84.2 Application.

This part applies to each recipient of Federal financial assistance from the Department of Health, Education, and Welfare and to each program or activity that receives or benefits from such assistance.

§ 84.3 Definitions.

As used in this part, the term:

(a) "The Act" means the Rehabilitation Act of 1973, Pub. L. 93–112, as amended by the Rehabilitation Act Amendments of 1974, Public Law 93–516, 29 U.S.C. 794.

(b) "Section 504" means section 504 of the Act.

(c) "Education of the Handicapped Act" means that statute as amended by the Education for all Handicapped Children Act of 1975, Pub. L. 94–142, 20 U.S.C. 1401 et seq.

(d) "Department" means the Department of Health, Education, and Welfare.

(e) "Director" means the Director of the Office for Civil Rights of the Department.

(f) "Recipient" means any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(g) "Applicant for assistance" means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient.

(h) "Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(i) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(j) "Handicapped person." (1) "Handicapped persons" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j)(1) of this section, the phrase:

(i) "Physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(iv) "Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment.

(k) "Qualified handicapped person" means:

(1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;

(2) With respect to public preschool, elementary, secondary, or adult educational services, a handicapped person (i) of an age during which nonhandicapped persons are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to handicapped persons, or (iii) to whom a state is required to provide a free appropriate public education under § 612 of the Education of the Handicapped Act; and

(3) With respect to postsecondary and vocational education services, a handicapped person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity;

(4) With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(l) "Handicap" means any condition or characteristic that renders a person a handicapped person as defined in paragraph (j) of this section.

§ 84.4 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person

by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipients program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are not separate or different.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(6) As used in this section, the aid, benefit, or service provided under a program or activity receiving or benefiting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

(c) *Programs limited by Federal law.* The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or executive order to a different class of handicapped persons is not prohibited by this part.

§ 84.5 Assurances required.

(a) *Assurances.* An applicant for Federal financial assistance for a program or activity to which this part applies shall submit an assurance, on a form specified by the Director, that the program will be operated in compliance with this part. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (b)(2) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the covenant shall also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant. If a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on the property for the purposes for which the property was transferred, the Director may, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as he or she deems appropriate, agree to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

§ 84.6 Remedial action, voluntary action, and self-evaluation.

(a) *Remedial action.* (1) If the Director finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 or this part, the recipient shall take such remedial action as the Director deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of section 504 or this part and where another recipient exercises control over the recipient that has discriminated, the Director, where appropriate, may require either or both recipients to take remedial action.

(3) The Director may, where necessary to overcome the effects of discrimination in violation of section 504 or this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program had the discrimination not occurred.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evalution.* (1) A recipient shall, within one year of the effective date of this part:

(i) Evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this part;

(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this part; and

(iii) Take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) A recipient that employs fifteen or more persons shall, for at least three years followed completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Director upon request: (i) a list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

§ 84.7 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part.

(b) *Adoption of grievance procedures.* A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.

§ 84.8 Notice.

(a) A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 84.7(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§ 84.9 Administrative requirements for small recipients.

The Director may require any recipient with fewer than fifteen employees, or any class of such recipients, to comply with §§ 84.7 and 84.8, in whole or in part, when the Director finds a violation of this part or finds that such compliance will not significantly impair the ability of the recipient or class of recipients to provide benefits or services.

§ 84.10 Effect of state or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this part is not obviated or alleviated by the existence of any state or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession.

(b) The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for nonhandicapped persons.

Subpart B—Employment Practices

§ 84.11 Discrimination prohibited.

(a) *General.* (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity to which this part applies.

(2) A recipient that receives assistance under the Education of the Handicapped Act shall take positive steps to employ and advance in employment qualified handicapped persons in programs assisted under that Act.

(3) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(4) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this subparagraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

(b) *Specific activities.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absense, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(c) A recipient's obligation to comply with this subpart is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

§ 84.12 Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation may include: (1) making facilities used by employees readily accessible to and usable by handicapped persons, and (2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

(c) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

(1) The overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget;

(2) The type of the recipient's operation, including the composition and structure of the recipient's workforce; and

(3) The nature and cost of the accommodation needed.

(d) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

§ 84.13 Employment criteria.

(a) A recipient may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons unless: (1) the test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question, and (2) alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Director to be available.

(b) A recipient shall select and administer tests concerning employment so as best to ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results accu-

rately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

§ 84.14 Preemployment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct a preemployment medical examination or may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 84.3 (a), when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to § 84.3(b), or when a recipient is taking affirmative action pursuant to section 503 of the Act, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped, *Provided*, That:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.

(c) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, *Provided*, That: (1) All entering employees are subjected to such an examination regardless of handicap, and (2) the results of such an examination are used only in accordance with the requirements of this part.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

(1) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations;

(2) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and

(3) Government officials investigating compliance with the Act shall be provided relevant information upon request.

§§ 84.15—84.20 [Reserved]

Subpart C—Program Accessibility

§ 84.21 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 84.22 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirement of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 84.23, or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Small health, welfare, or other social service providers.* If a recipient with fewer than fifteen employees that provides health, welfare, or other social services finds, after consultation with a handicapped person seeking its services, that there is no method of complying with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other providers of those services that are accessible.

(d) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(e) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(f) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

§ 84.23 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *American National Standards Institute accessibility standards.* Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1–1961 (R1971)),[1] which is incorporated by reference in this part, shall constitute compliance with paragraphs (a) and (b) of this section. Departures from particular requirements of those standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

[1] Copies obtainable from American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

§§ 84.24–84.30 [Reserved]

Subpart D—Preschool, Elementary, and Secondary Education

§ 84.31 Application of this subpart.

Subpart D applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from federal financial assistance and to recipients that operate, or that receive or benefit from federal financial assistance for the operation of, such programs or activities.

§ 84.32 Location and notification.

A recipient that operates a public elementary or secondary education program shall annually:

(a) Undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education; and

(b) Take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under this subpart.

§ 84.33 Free appropriate public education.

(a) *General.* A recipient that operates a public elementary or secondary education program shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap.

(b) *Appropriate education.* (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§ 84.34, 84.35, and 84.36.

(2) Implementation of an individualized education program developed in accordance with the Education of the the Handicapped Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section.

(3) A recipient may place a handicapped person in or refer such person to a program other than the one that it operates as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any handicapped person so placed or referred.

(c) *Free education*—(1) *General.* For the purpose of this section, the provision of a free education is the provision of educational and related services without cost to the handicapped person or to his or her parents or guardian, except for those fees that are imposed on nonhandicapped persons or their parents or guardian. It may consist either of the provision of free services or, if a recipient places a handicapped person in or refers such person to a program not operated by the recipient as its means of carrying out the requirements of this subpart, of payment for the costs of the program. Funds available from any public or private agency may be used to meet the requirements of this subpart. Nothing in this section shall be construed to relieve an insurer or similar third party from an otherwise valid obligation to provide or pay for services provided to a handicapped person.

(2) *Transportation.* If a recipient places a handicapped person in or refers such person to a program not operated by the recipient as its means of carrying out the requirements of this subpart, the recipient shall ensure that adequate transportation to and from the program is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the person were placed in the program operated by the recipient.

(3) *Residential placement.* If placement in a public or private residential program is necessary to provide a free appropriate public education to a handicapped person because of his or her handicap, the program, including nonmedical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

(4) *Placement of handicapped persons by parents.* If a recipient has made available, in conformance with the requirements of this section and § 84.34, a free appropriate public education to a handicapped person and the person's parents or guardian choose to place the person in a private school, the recipient is not required to pay for the person's education in the private school. Disagreements between a parent or guardian and a recipient regarding whether the recipient has made such a program available or otherwise regarding the question of financial responsibility are subject to the due process procedures of § 84.36.

(d) *Compliance.* A recipient may not exclude any qualified handicapped person from a public elementary or secondary education after the effective date of this part. A recipient that is not, on the effective date of this regulation, in full compliance with the other requirements of the preceding paragraphs of this section shall meet such requirements at the earliest practicable time and in no event later than September 1, 1978.

§ 84.34 Educational setting.

(a) *Academic setting.* A recipient to which this subpart applies shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.

(b) *Nonacademic settings.* In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 84.37(a)(2), a recipient shall ensure that handicapped persons participate with nonhandicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

(c) *Comparable facilities.* If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for handicapped persons, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

§ 84.35 Evaluation and placement.

(a) *Preplacement evaluation.* A recipient that operates a public elementary or secondary education program shall conduct an evaluation in accordance with the requirements of paragraph (b) of this section of any person who, because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in a regular or special education program and any subsequent significant change in placement.

(b) *Evaluation procedures.* A recipient to which this subpart applies shall establish standards and procedures for the evaluation and placement of persons who, because of handicap, need or are believed to need special education or related services which ensure that:

(1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

(2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

(3) Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

(c) *Placement procedures.* In interpreting evaluation data and in making placement decisions, a recipient shall (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to ensure that information obtained from all such

sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and (4) ensure that the placement decision is made in conformity with § 84.34.

(d) *Reevaluation.* A recipient to which this section applies shall establish procedures, in accordance with paragraph (b) of this section, for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act is one means of meeting this requirement.

§ 84.36 Procedural safeguards.

A recipient that operates a public elementary or secondary education program shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guaradian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

§ 84.37 Nonacademic services.

(a) *General.* (1) A recipient to which this subpart applies shall provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

(2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipient, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment.

(b) *Counseling services.* A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities.

(c) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different from those offered to nonhandicapped students only if separation or differentiation is consistent with the requirements of § 84.34 and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

§ 84.38 Preschool and adult education programs.

A recipient to which this subpart applies that operates a preschool education or day care program or activity or an adult education program or activity may not, on the basis of handicap, exclude qualified handicapped persons from the program or activity and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided under the program or activity.

§ 84.39 Private education programs.

(a) A recipient that operates a private elementary or secondary education program may not, on the basis of handicap, exclude a qualified handicapped person from such program if the person can, with minor adjustments, be provided an appropriate education, as defined in § 84.33(b)(1), within the recipient's program.

(b) A recipient to which this section applies may not charge more for the provision of an appropriate education to handicapped persons than to nonhandicapped persons except to the extent that any additional charge is justified by a substantial increase in cost to the recipient.

(c) A recipient to which this section applies that operates special education programs shall operate such programs in accordance with the provisions of §§ 84.35 and 84.36. Each recipient to which this section applies is subject to the provisions of §§ 84.34, 84.37, and 84.38.

§ 84.40 [Reserved]

Subpart E—Postsecondary Education

§ 84.41 Application of this subpart.

Subpart E applies to postsecondary education programs and activities, including postsecondary vocational education programs and activities, that receive or benefit from federal financial assistance and to recipients that operate, or that receive or benefit from federal financial assistance for the operation of, such programs or activities.

§ 84.42 Admissions and recruitment.

(a) *General.* Qualified handicapped persons may not, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment by a recipient to which this subpart applies.

(b) *Admissions.* In administering its admission policies, a recipient to which this subpart applies:

(1) May not apply limitations upon the number or proportion of handicapped persons who may be admitted;

(2) May not make use of any test or criterion for admission that has a disproportionate, adverse effect on handicapped persons or any class of handicapped persons unless (i) the test or criterion, as used by the recipient, has been validated as a predictor of success in the education program or activity in question and (ii) alternate tests or criteria that have a less disproportionate, adverse effect are not shown by the Director to be available;

(3) Shall assure itself that (i) admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure); (ii) admissions tests that are designed for persons with impaired sensory, manual, or speaking skills are offered as often and in as timely a manner as are other admissions tests; and (iii) admissions tests are administered in facilities that, on the whole, are accessible to handicapped persons; and

(4) Except as provided in paragraph (c) of this section, may not make preadmission inquiry as to whether an applicant for admission is a handicapped person but, after admission, may make inquiries on a confidential basis as to handicaps that may require accommodation.

(c) *Preadmission inquiry exception.* When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 84.6(a) or when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to § 84.6(b), the recipient may invite applicants for admission to indicate whether and to what extent they are handicapped, *Provided*, That:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with this part.

(d) *Validity studies.* For the purpose of paragraph (b)(2) of this section, a recipient may base prediction equations on first year grades, but shall conduct peri-

odic validity studies against the criterion of overall success in the education program or activity in question in order to monitor the general validity of the test scores.

§ 84.43 Treatment of students; general.

(a) No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health, insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education program or activity to which this subpart applies.

(b) A recipient to which this subpart applies that considers participation by students in education programs or activities not operated wholly by the recipient as part of, or equivalent to, an education program or activity operated by the recipient shall assure itself that the other education program or activity, as a whole, provides an equal opportunity for the participation of qualified handicapped persons.

(c) A recipient to which this subpart applies may not, on the basis of handicap, exclude any qualified handicapped student from any course, course of study, or other part of its education program or activity.

(d) A recipient to which this subpart applies shall operate its programs and activities in the most integrated setting appropriate.

§ 84.44 Academic adjustments.

(a) *Academic requirements.* A recipient to which this subpart applies shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

(b) *Other rules.* A recipient to which this subpart applies may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity.

(c) *Course examinations.* In its course examinations or other procedures for evaluating students' academic achievement in its program, a recipient to which this subpart applies shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represents the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).

(d) *Auxiliary aids.* (1) A recipient to which this subpart applies shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

(2) Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

§ 84.45 Housing.

(a) *Housing provided by the recipient.* A recipient that provides housing to its nonhandicapped students shall provide comparable, convenient, and accessible housing to handicapped students at the same cost as to others. At the end of the transition period provided for in Subpart C, such housing shall be available in sufficient quantity and variety so that the scope of handicapped students' choice of living accommodations is, as a whole, comparable to that of nonhandicapped students.

(b) *Other housing.* A recipient that assists any agency, organization, or person in making housing available to any of its students shall take such action as may be necessary to assure itself that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of handicap.

§ 84.46 Financial and employment assistance to students.

(a) *Provision of financial assistance.* (1) In providing financial assistance to qualified handicapped persons, a recipient to which this subpart applies may not (i), on the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance, or otherwise discriminate or (ii) assist any entity or person that provides assistance to any of the recipient's students in a manner that discriminates against qualified handicapped persons on the basis of handicap.

(2) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of handicap only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of handicap.

(b) *Assistance in making available outside employment.* A recipient that assists any agency, organization, or person in providing employment opportunities to any of its students shall assure itself that such employment opportunities, as a whole, are made available in a manner that would not violate Subpart B if they were provided by the recipient.

(c) *Employment of students by recipients.* A recipient that employs any of its students may not do so in a manner that violates Subpart B.

§ 84.47 Nonacademic services.

(a) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors intercollegiate, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different only if separation or differentiation is consistent with the requirements of §84.43(d) and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

(b) *Counseling and placement services.* A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities. This requirement does not preclude a recipient from providing factual information about licensing and certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.

(c) *Social organizations.* A recipient that provides significant assistance to fraternities, sororities, or similar organizations shall assure itself that the membership practices of such organizations do not permit discrimination otherwise prohibited by this subpart.

§§ 84.48—84.50 [Reserved]

Subpart F—Health, Welfare, and Social Services

§ 84.51 Application of this subpart.

Subpart F applies to health, welfare, and other social service programs and activities that receive or benefit from federal financial assistance and to recipients that operate, or that receive or benefit from federal financial assistance for the operation of, such programs or activities.

§ 84.52 Health, welfare, and other social services.

(a) *General.* In providing health, welfare, or other social services or benefits, a recipient may not, on the basis of handicap:

(1) Deny a qualified handicapped person these benefits or services;

(2) Afford a qualified handicapped person an opportunity to receive benefits or services that is not equal to that offered nonhandicapped persons;

(3) Provide a qualified handicapped person with benefits or services that are not as effective (as defined in § 84.4(b)) as the benefits or services provided to others;

(4) Provide benefits or services in a manner that limits or has the effect of limiting the participation of qualified handicapped persons; or

(5) Provide different or separate benefits or services to handicapped persons except where necessary to provide qualified handicapped persons with benefits and services that are as effective as those provided to others.

(b) *Notice.* A recipient that provides notice concerning benefits or services or written material concerning waivers of rights or consent to treatment shall take such steps as are necessary to ensure that qualified handicapped persons, including those with impaired sensory or speaking skills, are not denied effective notice because of their handicap.

(c) *Emergency treatment for the hearing impaired.* A recipient hospital that provides health services or benefits shall establish a procedure for effective communication with persons with impaired hearing for the purpose of providing emergency health care.

(d) *Auxiliary aids.* (1) A recipient to which this subpart applies that employs fifteen or more persons shall provide appropriate auxiliary aids to persons with impaired sensory, manual, or speaking skills, where necessary to afford such persons an equal opportunity to benefit from the service in question.

(2) The Director may require recipients with fewer than fifteen employees to provide auxiliary aids where the provision of aids would not significantly impair the ability of the recipient to provide its benefits or services.

(3) For the purpose of this paragraph, auxiliary aids may include brailled and taped material, interpreters, and other aids for persons with impaired hearing or vision.

§ 84.53 Drug and alcohol addicts.

A recipient to which this subpart applies that operates a general hospital or outpatient facility may not discriminate in admission or treatment against a drug or alcohol abuser or alcoholic who is suffering from a medical condition, because of the person's drug or alcohol abuse or alcoholism.

§ 84.54 Education of institutionalized persons.

A recipient to which this subpart applies and that operates or supervises a program or activity for persons who are institutionalized because of handicap shall ensure that each qualified handicapped person, as defined in § 84.3(k)(2), in its program or activity is provided an appropriate education, as defined in § 84.33(b). Nothing in this section shall be interpreted as altering in any way the obligations of recipients under Subpart D.

§§ 84.55–84.60 [Reserved]

Subpart G—Procedures

§ 84.61 Procedures.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register, May 27, 1975. Incorporated documents are on file at the Office of the Federal Register.

The procedural provisions applicable to title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found in §§ 80.6–80.10 and Part 81 of this Title.

§§ 84.62–84.99 [Reserved]

APPENDIX A—ANALYSIS OF FINAL REGULATION

SUBPART A—GENERAL PROVISIONS

Definitions—1. *"Recipient"*. Section 84.23 contains definitions used throughout the regulation. Most of the comments concerning § 84.3(f), which contains the definition of "recipient," commended the inclusion of recipients whose sole source of federal financial assistance is Medicaid. The Secretary believes that such Medicaid providers should be regarded as recipients under the statute and the regulation and should be held individually responsible for administering services in a nondiscriminatory fashion. Accordingly, § 84.3(f) has not been changed. Small Medicaid providers, however, are exempt from some of the regulation's administrative provisions (those that apply to recipients with fifteen or more employees). And such recipients will be permitted to refer patients to accessible facilities in certain limited circumstances under revised § 84.22(b). The Secretary recognizes the difficulties involved in federal enforcement of this regulation with respect to thousands of individual Medicaid providers. As in the case of title VI of the Civil Rights Act of 1964, the Office for Civil Rights will concentrate its compliance efforts on the state Medicaid agencies and will look primarily to them to ensure compliance by individual providers.

One other comment requested that the regulation specify that nonpublic elementary and secondary schools that are not otherwise recipients do not become recipients by virtue of the fact their students participate in certain federally funded programs. The Secretary believes it unnecessary to amend the regulation in this regard, because almost identical language in the Department's regulations implementing title VI and title IX of the Education Amendments of 1972 has consistently been interpreted so as not to render such schools recipients. These schools, however, are indirectly subject to the substantive requirements of this regulation through the application of § 84.4 (b)(iv), which prohibits recipients from assisting agencies that discriminate on the basis of handicap in providing services to beneficiaries of the recipients' programs.

2. *"Federal financial assistance"*. In § 84.3 (h), defining federal financial assistance, a clarifying change has been made: procurement contracts are specifically excluded. They are covered, however, by the Department of Labor's regulation under section 503. The Department has never considered such contracts to be contracts of assistance; the explicit exemption has been added only to avoid possible confusion.

The proposed regulation's exemption of contracts of insurance or guaranty has been retained. A number of comments argued for its deletion on the ground that section 504, unlike title VI and title IX, contains no statutory exemption for such contracts. There is no indication, however, in the legislative history of the Rehabilitation Act of 1973 or of the amendments to that Act in 1974, that Congress intended section 504 to have a broader application, in terms of federal financial assistance, than other civil rights statutes. Indeed, Congress directed that section 504 be implemented in the same manner as titles VI and IX. In view of the long established exemption of contracts of insurance or guaranty under title VI, we think it unlikely that Congress intended section 504 to apply to such contracts.

In its May 1976 Notice of Intent, the Department suggested that the arrangement under which individual practitioners, hospitals, and other facilities receive reimbursement for providing services to beneficiaries under Part B of title XVIII of the Social Security Act (Medicare) constitutes a contract of insurance or guaranty and thus falls within the exemption from the regulation. This explanation oversimplified the Department's view of whether Medicare Part B constitutes Federal financial assistance. The Department's position has consistently been that, whether or not Medicare Part B arrangements involve a contract of insurance or guaranty, no Federal financial assistance flows from the Department to the doctor or other practitioner under the program, since Medicare Part B—like other social security programs—is basically a program of payments to direct beneficiaries.

3. *"Handicapped person"*. Section 84.3(j), which defines the class of persons protected under the regulation, has not been substantially changed. The definition of handicapped person in paragraph (j)(1) conforms to the statutory definition of handicapped person that is applicable to section 504, as set forth in section 111(a) of the Rehabilitation Act Amendments of 1974, Pub. L. 93–516.

The first of the three parts of the statutory and regulatory definition includes any person who has a physical or mental impairment that substantially limits one or more major life activities. Paragraph (j)(2)(i) further defines physical or mental impairments. The definition does not set forth a list of specific diseases and conditions that constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of any such list. The term includes, however, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and, as discussed below, drug addiction and alcoholism.

It should be emphasized that a physical or mental impairment does not constitute a handicap for purposes of section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities. Several comments observed the lack of any definition in the proposed regulation of the phrase "substantially limits." The Department does not believe that a definition of this term is possible at this time.

A related issue raised by several comments is whether the definition of handicapped person is unreasonably broad. Comments suggested narrowing the definition in various ways. The most common recommendation was that only "traditional" handicaps be covered. The Department continues to believe, however, that it has no flexibility within the statutory definition to limit the term to persons who have those severe, permanent,

or progressive conditions that are most commonly regarded as handicaps. The Department intends, however, to give particular attention in its enforcement of section 504 to eliminating discrimination against persons with the severe handicaps that were the focus of concern in the Rehabilitation Act of 1973.

The definition of handicapped person also includes specific limitations on what persons are classified as handicapped under the regulation. The first of the three parts of the definition specifies that only physical and mental handicaps are included. Thus, environmental, cultural, and economic disadvantage are not in themselves covered; nor are prison records, age, or homosexuality. Of course, if a person who has any of these characteristics also has a physical or mental handicap, the person is included within the definition of handicapped person.

In paragraph (j)(2)(i), physical or mental impairment is defined to include, among other impairments, specific learning disabilities. The Department will interpret the term as it is used in section 602 of the Education of the Handicapped Act, as amended. Paragraph (15) of section 602 uses the term "specific learning disabilities" to describe such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Paragraph (j)(2)(i) has been shortened, but not substantively changed, by the deletion of clause (C), which made explicit the inclusion of any condition which is mental or physical but whose precise nature is not at present known. Clauses (A) and (B) clearly comprehend such conditions.

The second part of the statutory and regulatory definition of handicapped person includes any person who has a record of a physical or mental impairment that substantially limits a major life activity. Under the definition of "record" in paragraph (j)(2)(iii), persons who have a history of a handicapping condition but no longer have the condition, as well as persons who have been incorrectly classified as having such a condition, are protected from discrimination under section 504. Frequently occurring examples of the first group are persons with histories of mental or emotional illness, heart disease, or cancer; of the second group, persons who have been misclassified as mentally retarded.

The third part of the statutory and regulatory definition of handicapped person includes any person who is regarded as having a physical or mental impairment that substantially limits one or more major life activities. It includes many persons who are ordinarily considered to be handicapped but who do not technically fall within the first two parts of the statutory definition, such as persons with a limp. This part of the definition also includes some persons who might not ordinarily be considered handicapped, such as persons with disfiguring scars, as well as persons who have no physical or mental impairment but are treated by a recipient as if they were handicapped.

4. *Drug addicts and alcoholics.* As was the case during the first comment period, the issue of whether to include drug addicts and alcoholics within the definition of handicapped person was of major concern to many commenters. The arguments presented on each side of the issue were similar during the two comment periods, as was the preference of commenters for exclusion of this group of persons. While some comments reflected misconceptions about the implications of including alcoholics and drug addicts within the scope of the regulation, the Secretary understands the concerns that underlie the comments on this question and recognizes that application of section 504 to active alcoholics and drug addicts presents sensitive and difficult questions that must be taken into account in interpretation and enforcement.

The Secretary has carefully examined the issue and has obtained a legal opinion from the Attorney General. That opinion concludes that drug addiction and alcoholism are "physical or mental impairments" within the meaning of section 7(6) of the Rehabilitation Act of 1973, as amended, and that drug addicts and alcoholics are therefore handicapped for purposes of section 504 if their impairment substantially limits one of their major life activities. The Secretary therefore believes that he is without authority to exclude these conditions from the definition. There is a medical and legal consensus that alcoholism and drug addiction are diseases, although there is disagreement as to whether they are primarily mental or physical. In addition, while Congress did not focus specifically on the problems of drug addiction and alcoholism in enacting section 504, the committees that considered the Rehabilitation Act of 1973 were made aware of the Department's long-standing practice of treating addicts and alcoholics as handicapped individuals eligible for rehabilitation services under the Vocational Rehabilitation Act.

The Secretary wishes to reassure recipients that inclusion of addicts and alcoholics within the scope of the regulation will not lead to the consequences feared by many commenters. It cannot be emphasized too strongly that the statute and the regulation apply only to discrimination against qualified handicapped persons solely by reason of their handicap. The fact that drug addiction and alcoholism may be handicaps does not mean that these conditions must be ignored in determining whether an individual is qualified for services or employment opportunities. On the contrary, a recipient may hold a drug addict or alcoholic to the same standard of performance and behavior to which it holds others, even if any unsatisfactory performance or behavior is related to the person's drug addiction or alcoholism. In other words, while an alcoholic or drug addict may not be denied services or disqualified from employment solely because of his or her condition, the behavioral manifestations of the condition may be taken into account in determining whether he or she is qualified.

With respect to the employment of a drug addict or alcoholic, if it can be shown that the addiction or alcoholism prevents successful performance of the job, the person need not be provided the employment opportunity in question. For example, in making employment decisions, a recipient may judge addicts and alcoholics on the same basis it judges all other applicants and employees. Thus, a recipient may consider—for all applicants including drug addicts and alcoholics—past personnel records, absenteeism, disruptive, abusive, or dangerous behavior, violations of rules and unsatisfactory work performance. Moreover, employers may enforce rules prohibiting the possession or use of alcohol or drugs in the work-place, provided that such rules are enforced against all employees.

With respect to services, there is evidence that drug addicts and alcoholics are often denied treatment at hospitals for conditions unrelated to their addiction or alcoholism. In addition, some addicts and alcoholics have been denied emergency treatment. These practices have been specifically prohibited by section 407 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1174) and section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4581), as amended. These statutory provisions are also administered by the Department's Office for Civil Rights and are implemented in § 84.53 of this regulation.

With respect to other services, the implications of coverage of alcoholics and drug addicts are two-fold: first, no person may be excluded from services solely by reason of the presence or history of these conditions; second, to the extent that the manifestations of the condition prevent the person from meeting the basic eligibility requirements of the program or cause substantial interference with the operation of the program, the condition may be taken into consideration. Thus, a college may not exclude an addict or alcoholic as a student, on the basis of addiction or alcoholism, if the person can successfully participate in the education program and complies with the rules of the college and if his or her behavior does not impede the performance of other students.

Of great concern to many commenters was the question of what effect the inclusion of drug addicts and alcoholics as handicapped persons would have on school disciplinary rules prohibiting the use or possession of drugs or alcohol by students. Neither such rules nor their application to drug addicts or alcoholics is prohibited by this regulation, provided that the rules are enforced evenly with respect to all students.

5. *"Qualified handicapped person."* Paragraph (k) of § 84.3 defines the term "qualified handicapped person." Throughout the regulation, this term is used instead of the statutory term "otherwise qualified handicapped person." The Department believes that the omission of the word "otherwise" is necessary in order to comport with the intent of the statute because, read literally, "otherwise" qualified handicapped persons include persons who are qualified except for their handicap, rather than in spite of their handicap. Under such a literal reading, a blind person possessing all the qualifications for driving a bus except sight could be said to be "otherwise qualified" for the job of driving. Clearly, such a result was not intended by Congress. In all other respects, the terms "qualified" and "otherwise qualified" are intended to be interchangeable.

Section 84.3(k)(1) defines a qualified handicapped person with respect to employment as a handicapped person who can, with reasonable accommodation, perform the essential functions of the job in question. The term "essential functions" does not appear in the corresponding provision of the Department of Labor's section 503 regulation, and a few commenters objected to its inclusion on the ground that a handicapped person should be able to perform all job tasks. However, the Department believes that inclusion of the phrase is useful in emphasizing that handicapped persons should not be disqualified simply because they may have difficulty in performing tasks that bear only a marginal relationship to a particular job. Further, we are convinced that inclusion of the phrase is not inconsistent with the Department of Labor's application of its definition.

Certain commenters urged that the definition of qualified handicapped person be amended so as explicitly to place upon the employer the burden of showing that a particular mental or physical characteristic is essential. Because the same result is achieved by the requirement contained in paragraph (a) of § 84.13, which requires an employer to establish that any selection criterion that tends to screen out handicapped persons is job-related, that recommendation has not been followed.

Section 84.3(k)(2) (formerly § 84.3(k)(3)) defines qualified handicapped person, with respect to preschool, elementary, and secondary programs, in terms of age. Several

ommenters recommended that eligibility or the services be based upon the standard of substantial benefit, rather than age, because of the need of many handicapped children for early or extended services if they are to have an equal opportunity to benefit from education programs. No change has been made in this provision, again because of the extreme difficulties in administration that would result from the choice of the former standard. Under the remedial action provisions of § 84.6(a)(3), however, persons beyond the age limits prescribed in § 84.3(k)(2) may in appropriate cases be required to be provided services that they were formerly denied because of a recipient's violation of section 504.

Section 84.3(k)(2) states that a handicapped person is qualified for preschool, elementary, or secondary services if the person is of an age at which nonhandicapped persons are eligible for such services or at which state law mandates the provision of educational services to handicapped persons. In addition, the extended age ranges for which recipients must provide full educational opportunity to all handicapped persons in order to be eligible for assistance under the Education of the Handicapped Act—generally, 3-18 as of September 1978, and 3-21 as of September 1980 are incorporated by reference in this paragraph.

Section 84.3(k)(3) (formerly § 84.3(k)(2)) defines qualified handicapped person with respect to postsecondary educational programs. As revised, the paragraph means that both academic and technical standards must be met by applicants to these programs. The term "technical standards" refers to all nonacademic admissions criteria that are essential to participation in the program in question.

6. *General prohibitions against discrimination.* Section 84.4 contains general prohibitions against discrimination applicable to all recipients of assistance from this Department.

Paragraph (b)(1)(i) prohibits the exclusion of qualified handicapped persons from aids, benefits, or services, and paragraph (ii) requires that equal opportunity to participate or benefit be provided. Paragraph (iii) requires that services provided to handicapped persons be as effective as those provided to the nonhandicapped. In paragraph (iv), different or separate services are prohibited except when necessary to provide equally effective benefits.

In this context, the term "equally effective," defined in paragraph (b)(2), is intended to encompass the concept of equivalent, as opposed to identical, services and to acknowledge the fact that, in order to meet the individual needs of handicapped persons to the same extent that the corresponding needs of nonhandicapped persons are met, adjustments to regular programs or the provision of different programs may sometimes be necessary. For example, a welfare office that uses the telephone for communicating with its clients must provide alternative modes of communicating with its deaf clients. This standard parallels the one established under title VI of Civil Rights Act of 1964 with respect to the provision of educational services to students whose primary language is not English. See *Lau* v. *Nichols*, 414 U.S. 563 (1974). To be equally effective, however, an aid, benefit, or service need not produce equal results; it merely must afford an equal opportunity to achieve equal results.

It must be emphasized that, although separate services must be required in some instances, the provision of unnecessarily separate or different services is discriminatory. The addition to paragraph (b)(2) of the phrase "in the most integrated setting appropriate to the person's needs" is intended to reinforce this general concept. A new paragraph (b)(3) has also been added to § 84.4, requiring recipients to give qualified handicapped persons the option of participating in regular programs despite the existence of permissibly separate or different programs. The requirement has been reiterated in §§ 84.38 and 84.47 in connection with physical education and athletics programs.

Section 84.4(b)(1)(v) prohibits a recipient from supporting another entity or person that subjects participants or employees in the recipient's program to discrimination on the basis of handicap. This section would, for example, prohibit financial support by a recipient to a community recreational group or to a professional or social organization that discriminates against handicapped persons. Among the criteria to be considered in each case are the substantiality of the relationship between the recipient and the other entity, including financial support by the recipient, and whether the other entity's activities relate so closely to the recipient's program or activity that they fairly should be considered activities of the recipient itself. Paragraph (b)(1)(vi) was added in response to comment in order to make explicit the prohibition against denying qualified handicapped persons the opportunity to serve on planning and advisory boards responsible for guiding federally assisted programs or activities.

Several comments appeared to interpret § 84.4(b)(5), which prescribes discriminatory site selection, to prohibit a recipient that is located on hilly terrain from erecting any new buildings at its present site. That, of course, is not the case. This paragraph is not intended to apply to construction of additional buildings at an existing site. Of course, any such facilities must be made accessible in accordance with the requirements of § 84.23.

7. *Assurances of compliance.* Section 84.5 (a) requires a recipient to submit to the Director an assurance that each of its programs and activities receiving or benefiting from federal financial assistance from this Department will be conducted in compliance with this regulation. To facilitate the submission of assurances by thousands of Medicaid providers, the Department will follow the title VI procedures of accepting, in lieu of assurances, certification on Medicaid vouchers. Many commenters also sought relief from the paperwork requirements imposed by the Department's enforcement of its various civil rights responsibilities by requesting the Department to issue one form incorporating title VI, title IX, and section 504 assurances. The Secretary is sympathetic to this request. While it is not feasible to adopt a single civil rights assurance form at this time, the Office for Civil Rights will work toward that goal.

8. *Private rights of action.* Several comments urged that the regulation incorporate provision granting beneficiaries a private right of action against recipients under section 504. To confer such a right is beyond the authority of the executive branch of government. There is, however, case law holding that such a right exists. *Lloyd* v. *Regional Transportation Authority*, 548 F. 2d 1277 (7th Cir. 1977); *see Hairston* v. *Drosick*, Civil No. 75-0691 (S.D. W. Va., Jan. 14, 1976); *Gurmankin* v. *Castanzo*, 411 F. Supp. 982 (E.D. Pa. 1976); *cf. Lau* v. *Nichols*, *supra*.

9. *Remedial action.* Where there has been a finding of discrimination, § 84.6 requires a recipient to take remedial action to overcome the effects of the discrimination. Actions that might be required under paragraph (a)(1) include provision of services to persons previously discriminated against, reinstatement of employees, and development of a remedial action plan. Should a recipient fail to take required remedial action, the ultimate sanctions of court action or termination of federal financial assistance may be imposed.

Paragraph (a)(2) extends the responsibility for taking remedial action to a recipient that exercises control over a noncomplying recipient. Paragraph (a)(3) also makes clear that handicapped persons who are not in the program at the time that remedial action is required to be taken may also be the subject of such remedial action. This paragraph has been revised in response to comments in order to include persons who would have been in the program if discriminatory practices had not existed. Paragraphs (a)(1), (2), and (3) have also been amended in response to comments to make plain that, in appropriate cases, remedial action might be required to redress clear violations of the statute itself that occurred before the effective date of this regulation.

10. *Voluntary action.* In § 84.6(b), the term "voluntary action" has been substituted for the term "affirmative action" because the use of the latter term led to some confusion. We believe the term "voluntary action" more accurately reflects the purpose of this paragraph. This provision allows action, beyond that required by the regulation, to overcome conditions that led to limited participation by handicapped persons, whether or not the limited participation was caused by any discriminatory actions on the part of the recipient. Several commenters urged that paragraphs (a) and (b) be revised to require remedial action to overcome effects of prior discriminatory practices regardless of whether there has been an express finding of discrimination. The self-evaluation requirement in paragraph (c) accomplishes much the same purpose.

11. *Self-evaluation.* Paragraph (c) requires recipients to conduct a self-evaluation in order to determine whether their policies or practices may discriminate against handicapped persons and to take steps to modify any discriminatory policies and practices and their effects. The Department received many comments approving of the addition to paragraph (c) of a requirement that recipients seek the assistance of handicapped persons in the self-evaluation process. This paragraph has been further amended to require consultation with handicapped persons or organizations representing them before recipients undertake the policy modifications and remedial steps prescribed in paragraphs (c)(ii) and (iii).

Paragraph (c)(2), which sets forth the recordkeeping requirements concerning self-evaluation, now applies only to recipients with fifteen or more employees. This change was made as part of an effort to reduce unnecessary or counterproductive administrative obligations on small recipients. For those recipients required to keep records, the requirements have been made more specific; records must include a list of persons consulted and a description of areas examined, problems identified, and corrective steps taken. Moreover, the records must be made available for public inspection.

12. *Grievance procedure.* Section 84.7 (formerly § 84.8) requires recipients with fifteen or more employees to designate an individual responsible for coordinating its compliance efforts and to adopt a grievance procedure. Two changes were made in the section in response to comment. A general requirement that appropriate due process procedures be followed has been added. It was decided that the details of such procedures could not at this time be specified because of the varied nature of the persons and entities who must establish the procedures and of the programs to which they apply. A sentence was also added to make clear that

grievance procedures are not required to be made available to unsuccessful applicants for employment or to applicants for admission to colleges and universities.

The regulation does not require that grievance procedures be exhausted before recourse is sought from the Department. However, the Secretary believes that it is desirable and efficient in many cases for complainants to seek resolution of their complaints and disputes at the local level and therefore encourages them to use available grievance procedures.

A number of comments asked whether compliance with this section or the notice requirements of § 84.8 could be coordinated with comparable action required by the title IX regulation. The Department encourages such efforts.

13. *Notice.* Section 84.8 (formerly § 84.9) sets forth requirements for dissemination of statements of nondiscrimination policy by recipients.

It is important that both handicapped persons and the public at large be aware of the obligations of recipients under section 504. Both the Department and recipients have responsibilities in this regard. Indeed the Department intends to undertake a major public information effort to inform persons of their rights under section 504 and this regulation. In § 84.8 the Department has sought to impose a clear obligation on major recipients to notify beneficiaries and employees of the requirements of section 504, without dictating the precise way in which this notice must be given. At the same time, we have avoided imposing requirements on small recipients (those with fewer than fifteen employees) that would create unnecessary and counterproductive paperwork burdens on them and unduly stretch the enforcement resources of the Department.

Section 84.8(a), as simplified, requires recipients with fifteen or more employees to take appropriate steps to notify beneficiaries and employees of the recipient's obligations under section 504. The last sentence of § 84.8 (a) has been revised to list possible, rather than required, means of notification. Section 84.8(b) requires recipients to include a notification of their policy of nondiscrimination in recruitment and other general information materials.

In response to a number of comments, § 84.8 has been revised to delete the requirements of publication in local newspapers, which has proved to be both troublesome and ineffective. Several commenters suggested that notification on separate forms be allowed until present stocks of publications and forms are depleted. The final regulation explicitly allows this method of compliance. The separate form should, however, be included with each significant publication or form that is distributed.

Former § 84.9(b)(2) which prohibited the use of materials that might give the impression that a recipient excludes qualified handicapped persons from its program, has been deleted. The Department is convinced by the comments that this provision is unnecessary and difficult to apply. The Department encourages recipients, however, to include in their recruitment and other general information materials photographs of handicapped persons and ramps and other features of accessible buildings.

Under new § 84.9 the Director may, under certain circumstances, require recipients with fewer than fifteen employees to comply with one or more of these requirements. Thus, if experience shows a need for imposing notice or other requirements on particular recipients or classes of small recipients, the Department is prepared to expand the coverage of these sections.

14. *Inconsistent State laws.* Section 84.10 (a) states that compliance with the regulation is not excused by state or local laws limiting the eligibility of qualified handicapped persons to receive services or to practice an occupation. The provision thus applies only with respect to state or local laws that unjustifiably differentiate on the basis of handicap.

Paragraph (b) further points out that the presence of limited employment opportunities in a particular profession does not excuse a recipient from complying with the regulation. Thus, a law school could not deny admission to a blind applicant because blind lawyers may find it more difficult to find jobs than do nonhandicapped lawyers.

Subpart B—Employment Practices

Subpart B prescribes requirements for nondiscrimination in the employment practices of recipients of federal financial assistance administered by the Department. This subpart is consistent with the employment provisions of the Department's regulation implementing title IX of the Education Amendments of 1972 (45 CFR Part 86) and the regulation of the Department of Labor under section 503 of the Rehabilitation Act, which requires certain Federal contractors to take affirmative action in the employment and advancement of qualified handicapped persons. All recipients subject to title IX are also subject to this regulation. In addition, many recipients subject to this regulation receive federal procurement contracts in excess of $2500 and are therefore also subject to section 503.

15. *Discriminatory practices.* Section 84.11 sets forth general provisions with respect to discrimination in employment. A new paragraph (a)(2) has been added to clarify the employment obligations of recipients that receive federal funds under Part B of the Education of the Handicapped Act, as amended (EHA). Section 606 of the EHA obligates elementary or secondary school systems that receive EHA funds to take positive steps to employ and advance in employment qualified handicapped persons. This obligation is similar to the nondiscrimination requirement of section 504 but requires recipients to take additional steps to hire and promote handicapped persons. In enacting section 606 Congress chose the words "positive steps" instead of "affirmative action" advisedly and did not intend section 606 to incorporate the types of activities required under Executive Order 11246 (affirmative action on the basis of race, color, sex, or national origin) or under sections 501 and 503 of the Rehabilitation Act of 1973.

Paragraph (b) of § 84.11 sets forth the specific aspects of employment covered by the regulation. Paragraph (c) provides that inconsistent provisions of collective bargaining agreements do not excuse noncompliance.

16. *Reasonable accommodation.* The reasonable accommodation requirement of § 84.12 generated a substantial number of comments. The Department remains convinced that its approach is both fair and effective. Moreover, the Department of Labor reports that it has experienced little difficulty in administering the requirement of reasonable accommodation. The provision therefore remains basically unchanged from the proposed regulation.

Section 84.12 requires a recipient to make reasonable accommodation to the known physical or mental limitations of a handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program. Where a handicapped person is not qualified to perform a particular job, where reasonable accommodation does not overcome the effects of a person's handicap, or where reasonable accommodation causes undue hardship to the employer, failure to hire or promote the handicapped person will not be considered discrimination.

Section 84.12(b) lists some of the actions that constitute reasonable accommodation. The list is neither all-inclusive nor meant to suggest that employers must follow all of the actions listed.

Reasonable accommodation includes modification of work schedules, including part-time employment, and job restructuring. Job restructuring may entail shifting nonessential duties to other employees. In other cases, reasonable accommodation may include physical modifications or relocation of particular offices or jobs so that they are in facilities or parts of facilities that are accessible to and usable by handicapped persons. If such accommodations would cause undue hardship to the employer, they need not be made.

Paragraph (c) of this section sets forth the factors that the Office for Civil Rights will consider in determining whether an accommodation necessary to enable an applicant or employee to perform the duties of a job would impose an undue hardship. The weight given to each of these factors in making the determination as to whether an accommodation constitutes undue hardship will vary depending on the facts of a particular situation. Thus, a small day-care center might not be required to expend more than a nominal sum, such as that necessary to equip a telephone for use by a secretary with impaired hearing, but a large school district might be required to make available a teacher's aide to a blind applicant for a teaching job. Further, it might be considered reasonable to require a state welfare agency to accommodate a deaf employee by providing an interpreter, while it would constitute an undue hardship to impose that requirement on a provider of foster home care services.

The reasonable accommodation standard in § 84.12 is similar to the obligation imposed upon federal contractors in the regulation implementing section 503 of the Rehabilitation Act of 1973, administered by the Department of Labor. Although the wording of the reasonable accommodation provisions of the two regulations is not identical, the obligation that the two regulations impose is the same, and the federal government's policy in implementing the two sections will be uniform. The Department adopted the factors listed in paragraph (c) instead of the "business necessity" standard of the Labor regulation because that term seemed inappropriate to the nature of the programs operated by the majority of institutions subject to this regulation, e.g., public school systems, hospitals, colleges and universities, nursing homes, day-care centers, and welfare offices. The factors listed in paragraph (c) are intended to make the rationale underlying the business necessity standard applicable to and understandable by recipients of HEW funds.

17. *Tests and selection criteria.* Revised § 84.13(a) prohibits employers from using test or other selection criteria that screen out or tend to screen out handicapped persons unless the test or criterion is shown to be job-related and alternative tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Director to be available. This paragraph is an application of the principle established under title VII of the Civil Rights Act of 1964 in *Griggs v. Duke Power Company*, 401 U.S. 424 (1971).

Under the proposed section, a statistical showing of adverse impact on handicapped persons was required to trigger an employer's obligation to show that employment criteria

and qualifications relating to handicap were necessary. This requirement was changed because the small number of handicapped persons taking tests would make statistical showings of "disproportionate, adverse effect" difficult and burdensome. Under the altered, more workable provision, once it is shown that an employment test significantly limits the opportunities of handicapped persons, the employer must show the test to be job-related. A recipient is no longer limited to using predictive validity studies as the method for demonstrating that a test or other selection criterion is in fact job-related. Nor, in all cases, are predictive validity studies sufficient to demonstrate that a test or criterion is job-related. In addition, § 84.13(a) has been revised to place the burden on the Director, rather than the recipient, to identify alternate tests.

Section 84.13(b) requires that a recipient take into account that some tests and criteria depend upon sensory, manual, or speaking skills that may not themselves be necessary to the job in question but that may make the handicapped person unable to pass the test. The recipient must select and administer tests so as best to ensure that the test will measure the handicapped person's ability to perform on the job rather than the person's ability to see, hear, speak, or perform manual tasks, except, of course, where such skills are the factors that the test purports to measure. For example, a person with a speech impediment may be perfectly qualified for jobs that do not or need not, with reasonable accommodation, require ability to speak clearly. Yet, if given an oral test, the person will be unable to perform in a satisfactory manner. The test results will not, therefore, predict job performance but instead will reflect impaired speech.

18. *Preemployment inquiries.* Section 84.14, concerning preemployment inquiries, generated a large number of comments. Commenters representing handicapped persons strongly favored a ban on preemployment inquiries on the ground that such inquiries are often used to discriminate against handicapped persons and are not necessary to serve any legitimate interests of employers. Some recipients, on the other hand, argued that preemployment inquiries are necessary to determine qualifications of the applicant, safety hazards caused by a particular handicapping condition, and accommodations that might be required.

The Secretary has concluded that a general prohibition of preemployment inquiries is appropriate. However, a sentence has been added to paragraph (a) to make clear that an employer may inquire into an applicant's ability to perform job-related tasks but may not ask if the person has a handicap. For example, an employer may not ask on an employment form if an applicant is visually impaired but may ask if the person has a current driver's license (if that is a necessary qualification for the position in question). Similarly, employers may make inquiries about an applicant's ability to perform a job safely. Thus, an employer may not ask if an applicant is an epileptic but may ask whether the person can perform a particular job without endangering other employees.

Section 84.14(b) allows preemployment inquiries only if they are made in conjunction with required remedial action to correct past discrimination, with voluntary action to overcome past conditions that have limited the participation of handicapped persons, or with obligations under section 503 of the rehabilitation Act of 1973. In these instances, paragraph (b) specifies certain safeguards that must be followed by the employer.

Finally, the revised provision allows an employer to condition offers of employment to handicapped persons on the results of medical examinations, so long as the examinations are administered to all employees in a nondiscriminatory manner and the results are treated on a confidential basis.

19. *Specific acts of Discrimination.* Sections 84.15 (recruitment), 84.16 (compensation), 84.17 (job classification and structure) and 84.18 (fringe benefits) have been deleted from the regulation as unnecessarily duplicative of § 84.11 (discrimination prohibited). The deletion of these sections in no way changes the substantive obligations of employers subject to this regulation from those set forth in the July 16 proposed regulation. These deletions bring the regulation closer in form to the Department of Labor's section 503 regulation.

Proposed § 84.18, concerning fringe benefits, had allowed for differences in benefits or contributions between handicapped and nonhandicapped persons in situations only where such differences could be justified on an actuarial basis. Section 84.11 simply bars discrimination in providing fringe benefits and does not address the issue of actuarial differences. The Department believes that currently available data and experience do not demonstrate a basis for promulgating a regulation specifically allowing for differences in benefits or contributions.

Subpart C—Program Accessibility

In general, Subpart C prohibits the exclusion of qualified handicapped persons from federally assisted programs or activities because a recipient's facilities are inaccessible or unusable

20. *Existing facilities.* Section 84.22 maintains the same standard for nondiscrimination in regard to existing facilities as was included in the proposed regulation. The section states that a recipient's program or activity, when viewed in its entirety, must be readily accessible to and usable by handicapped persons. Paragraphs (a) and (b) make clear that a recipient is not required to make each of its existing facilities accessible to handicapped persons if its program as a whole is accessible. Accessibility to the recipient's program or activity may be achieved by a number of means, including redesign of equipment, reassignment of classes or other services to accessible buildings, and making aides available to beneficiaries. In choosing among methods of compliance, recipients are required to give priority consideration to methods that will be consistent with provision of services in the most appropriate integrated setting. Structural changes in existing facilities are required only where there is no other feasible way to make the recipient's program accessible.

Under § 84.22, a university does not have to make all of its existing classroom buildings accessible to handicapped students if some of its buildings are already accessible and if it is possible to reschedule or relocate enough classes so as to offer all required courses and a reasonable selection of elective courses in accessible facilities. If sufficient relocation of classes is not possible using existing facilities, enough alterations to ensure program accessibility are required. A university may not exclude a handicapped student from a specifically requested course offering because it is not offered in an accessible location, but it need not make every section of that course accessible.

Commenters representing several institutions of higher education have suggested that it would be appropriate for one postsecondary institution in a geographical area to be made accessible to handicapped persons and for other colleges and universities in that area to participate in that school's program, thereby developing an educational consortium for the postsecondary education of handicapped students. The Department believes that such a consortium, when developed and applied only to handicapped persons, would not constitute compliance with § 84.22, but would discriminate against qualified handicapped persons by restricting their choice in selecting institutions of higher education and would, therefore, be inconsistent with the basic objectives of the statute

Nothing in this regulation, however, should be read as prohibiting institutions from forming consortia for the benefit of all students. Thus, if three colleges decide that it would be cost-efficient for one college to offer biology, the second physics, and the third chemistry to all students at the three colleges, the arrangement would not violate section 504. On the other hand, it would violate the regulation if the same institutions set up a consortium under which one college, undertook to make its biology lab accessible, another its physics lab, and a third its chemistry lab, and under which mobility-impaired handicapped students (but not other students) were required to attend the particular college that is accessible for the desired courses.

Similarly, while a public school district need not make each of its buildings completely accessible, it may not make only one facility or part of a facility accessible if the result is to segregate handicapped students in a single setting.

All recipients that provide health, welfare, or other social services may also comply with § 84.22 by delivering services at alternate accessible sites or making home visits. Thus, for example, a pharmacist might arrange to make home deliveries of drugs. Under revised § 84.22(c), small providers of health, welfare, and social services (those with fewer than fifteen employees) may refer a beneficiary to an accessible provider of the desired service, but only if no means of meeting the program accessibility requirement other than a significant alteration in existing facilities is available. The referring recipient has the responsibility of determining that the other provider is in fact accessible and willing to provide the service. The Secretary believes this "last resort" referral provision is appropriate to avoid imposition of additional costs in the health care area, to encourage providers to remain in the Medicaid program, and to avoid imposing significant costs on small, low-budget providers such as day-care centers or foster homes.

A recent change in the tax law may assist some recipients in meeting their obligations under this section. Under section 2122 of the Tax Reform Act of 1976, recipients that pay federal income tax are eligible to claim a tax deduction of up to $25,000 for architectural and transportation modifications made to improve accessibility for handicapped persons. Many physicians and dentists, among others, may be eligible for this tax deduction. See 42 FR 17870 (April 4, 1977), adopting 26 CFR 7.190.

Several commenters expressed concern about the feasibility of compliance with the program accessibility standard. The Secretary believes that the standard is flexible enough to permit recipients to devise ways to make their programs accessible short of extremely expensive or impractical physical changes in facilities. Accordingly, the section does not allow for waivers. The Department is ready at all times to provide technical assistance to recipients in meeting their program accessibility responsibilities. For this purpose, the Department is establishing a special technical assistance unit. Recipients are encouraged to call upon the unit

staff for advice and guidance both on structural modifications and on other ways of meeting the program accessibility requirement.

Paragraph (d) has been amended to require recipients to make all nonstructural adjustments necessary for meeting the program accessibility standard within sixty days. Only where structural changes in facilities are necessary will a recipient be permitted up to three years to accomplish program accessibility. It should be emphasized that the three-year time period is not a waiting period and that all changes must be accomplished as expeditiously as possible. Further, it is the Department's belief, after consultation with experts in the field, that outside ramps to buildings can be constructed quickly and at relatively low cost. Therefore, it will be expected that such structural additions will be made promptly to comply with § 84.22(d).

The regulation continues to provide, as did the proposed version, that a recipient planning to achieve program accessibility by making structural changes must develop a transition plan for such changes within six months of the effective date of the regulation. A number of commenters suggested extending that period to one year. The Secretary believes that such an extension is unnecessary and unwise. Planning for any necessary structural changes should be undertaken promptly to ensure that they can be completed within the three-year period. The elements of the transition plan as required by the regulation remain virtually unchanged from the proposal but § 84.22(d) now includes a requirement that the recipient make the plan available for public inspection.

Several commenters expressed expressed concern that the program accessibility standard would result in the segregation of handicapped persons in educational institutions. The regulation will not be applied to permit such a result. See § 84.4(c)(2)(iv), prohibiting unnecessarily separate treatment; § 84.35, requiring that students in elementary and secondary schools be educated in the most integrated setting appropriate to their needs; and new § 84.43(d), applying the same standard to postsecondary education.

We have received some comments from organizations of handicapped persons on the subject of requiring, over an extended period of time, a barrier-free environment—that is, requiring the removal of all architectural barriers in existing facilities. The Department has considered these comments but has decided to take no further action at this time concerning these suggestions, believing that such action should only be considered in light of experience in implementing the program accessibility standard.

21. *New construction.* Section 84.23 requires that all new facilities, as well as alterations that could affect access to and use of existing facilities, be designed and constructed in a manner so as to make the facility accessible to and usable by handicapped persons. Section 84.23(a) has been amended so that it applies to each newly constructed facility if the construction was commenced after the effective date of the regulation. The words "if construction has commenced" will be considered to mean "if groundbreaking has taken place." Thus, a recipient will not be required to alter the design of a facility that has progressed beyond groundbreaking prior to the effective date of the regulation.

Paragraph (b) requires certain alterations to conform to the requirement of physical accessibility in paragraph (a). If an alteration is undertaken to a portion of a building the accessibility of which could be improved by the manner in which the alteration is carried out, the alteration must be made in that manner. Thus, if a doorway or wall is being altered, the door or other wall opening must be made wide enough to accommodate wheelchairs. On the other hand, if the alteration consists of altering ceilings, the provisions of this section are not applicable because this alteration cannot be done in a way that affects the accessibility of that portion of the building. The phrase "to the maximum extent feasible" has been added to allow for the occasional case in which the nature of an existing facility is such as to make it impractical or prohibitively expensive to renovate the building in a manner that results in its being entirely barrier-free. In all such cases, however, the alteration should provide the maximum amount of physical accessibility feasible.

As proposed, § 84.23(c) required compliance with the American National Standards Institute (ANSI) standard on building accessibility as the minimum necessary for compliance with the accessibility requirement of §§ 84.23 (a) and (b). The reference to the ANSI standard created some ambiguity, since the standard itself provides for waivers where other methods are equally effective in providing accessibility to the facility. Moreover, the Secretary does not wish to discourage innovation in barrier-free construction by requiring absolute adherence to a rigid design standard. Accordingly, § 84.23 (c) has been revised to permit departures from particular requirements of the ANSI standard where the recipient can demonstrate that equivalent access to the facility is provided.

Section 84.23(d) of the proposed regulation, providing for a limited deferral of action concerning facilities that are subject to section 502 as well as section 504 of the Act, has been deleted. The Secretary believes that the provision is unnecessary and inappropriate to this regulation. The Department will, however, seek to coordinate enforcement activities under this regulation with those of the Architectural and Transportation Barriers Compliance Board.

Subpart D—Preschool, Elementary, and Secondary Education

Subpart D sets forth requirements for nondiscrimination in preschool, elementary, secondary, and adult education programs and activities, including secondary vocational education programs. In this context, the term "adult education" refers only to those educational programs and activities for adults that are operated by elementary and secondary schools.

The provisions of Subpart D apply to state and local educational agencies. Although the subpart applies, in general, to both public and private education programs and activities that are federally assisted, §§ 84.32 and 84.33 apply only to public programs and § 84.39 applies only to private programs; §§ 84.35 and 84.36 apply both to public programs and to those private programs that include special services for handicapped students.

Subpart D generally conforms to the standards established for the education of handicapped persons in *Mills v. Board of Education of the District of Columbia*, 348 F. Supp. 866 (D.D.C. 1972), *Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania*, 334 F. Supp. 1257 (E.D. 1971), 343 F. Supp. 279 (E.D.Pa. 1972), and *Lebanks v. Spears*, 60, F.R.D. 135 (E.D. La. 1973), as well as in the Education of the Handicapped Act, as amended by Public Law 94-142 (the EHA).

The basic requirements common to those cases, to the EHA, and to this regulation are (1) that handicapped persons, regardless of the nature or severity of their handicap, be provided a free appropriate public education, (2) that handicapped students be educated with nonhandicapped students to the maximum extent appropriate to their needs, (3) that educational agencies undertake to identify and locate all unserved handicapped children, (4) that evaluation procedures be improved in order to avoid the inappropriate education that results from the misclassification of students, and (5) that procedural safeguard be established to enable parents and guardians to influence decisions regarding the evaluation and placement of their children. These requirements are designed to ensure that no handicapped child is excluded from school on the basis of handicap and that if a recipient demonstrates that placement in a regular educational setting cannot be achieved satisfactorily, that the student is provided with adequate alternative services suited to the student's needs without additional cost to the student's parents or guardian. Thus, a recipient that operates a public school system must either educate handicapped children in its regular program or provide such children with an appropriate alternative education at public expense.

It is not the intention of the Department except in extraordinary circumstances, to review the result of individual placement or other educational decisions, so long as the school district complies with the "procedural" requirements of this subpart (concerning identification and location, evaluation, and due process procedures). However, the Department will place a high priority on investigating cases which may involve exclusion of a child from the education system or a pattern or practice of discriminatory placement or education.

22. *Location and notification.* Section 84.32 requires public schools to take steps annually to identify and locate handicapped children who are not receiving an education and to publicize to handicapped children and their parents the rights and duties established by section 504 and this regulation. This section has been shortened without substantive change.

23. *Free appropriate public education.* Former §§ 84.34 ("Free education") and 84.36(a) ("Suitable education") have been consolidated and revised in new § 84.33. Under § 84.34(a), a recipient is responsible for providing a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction. The word "in" encompasses the concepts of both domicile and actual residence. If a recipient places a child in a program other than its own, it remains financially responsible for the child whether or not the other program is operated by another recipient or educational agency. Moreover, a recipient may not place a child in a program that is inappropriate or that otherwise violates the requirements of Subpart D. And in no case may a recipient refuse to provide services to a handicapped child in its jurisdiction because of another person's or entity's failure to assume financial responsibility.

Section 84.33(b) concerns the provision of appropriate educational services to handicapped children. To be appropriate, such services must be designed to meet handicapped children's individual educational needs to the same extent that those of nonhandicapped children are met. An appropriate education could consist of education in regular classes, education in regular classes with the use of supplementary services, or special education and related services. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions and may be accompanied by such related services as developmental, corrective, and other supportive services (including psychological, counseling, and medical diagnostic services). The placement of the child must however, be con-

sistent with the requirements of § 84.34 and be suited to his or her educational needs.

The quality of the educational services provided to handicapped students must equal that of the services provided to nonhandicapped students; thus, handicapped student's teachers must be trained in the instruction of persons with the handicap in question and appropriate materials and equipment must be available. The Department is aware that the supply of adequately trained teachers may, at least at the outset of the imposition of this requirement, be insufficient to meet the demand of all recipients. This factor will be considered in determining the appropriateness of the remedy for noncompliance with this section. A new § 84.33(b)(2) has been added, which allows this requirements to be met through the full implementation of an individualized education program developed in accordance with the standards of the EHA.

Paragraph (c) of § 84.33 sets forth the specific financial obligations of a recipient. If a recipient does not itself provide handicapped persons with the requisite services, it must assume the cost of any alternate placement. If, however, a recipient offers adequate services and if alternate placement is chosen by a student's parent or guardian, the recipient need not assume the cost of the outside services. (If the parent or guardian believes that his or her child cannot be suitably educated in the recipient's program, he or she may make use of the procedures established in § 84.36.) Under this paragraph, a recipient's obligation extends beyond the provision of tuition payments in the case of placement outside the regular program. Adequate transportation must also be provided. Recipients must also pay for psychological services and those medical services necessary for diagnostic and evaluative purposes.

If the recipient places a student, because of his or her handicap, in a program that necessitates his or her being away from home, the payments must also cover room and board and nonmedical care (including custodial and supervisory care). When residential care is necessitated not by the student's handicap but by factors such as the student's home conditions, the recipient is not required to pay the cost of room and board.

Two new sentences have been added to paragraph (c)(1) to make clear that a recipient's financial obligations need not be met solely through its own funds. Recipients may rely on funds from any public or private source including insurers and similar third parties.

The EHA requires a free appropriate education to be provided to handicapped children "no later than September 1, 1978," but section 504 contains no authority for delaying enforcement. To resolve this problem, a new paragraph (d) has been added to § 84.33. Section 84.33(d) requires recipients to achieve full compliance with the free appropriate public education requirements of § 84.33 as expeditiously as possible, but in no event later than September 1, 1978. The provision also makes clear that, as of the effective date of this regulation, no recipient may exclude a qualified handicapped child from its educational program. This provision against exclusion is consistent with the order of providing services set forth in section 612(3) of the EHA, which places the highest priority on providing services to handicapped children who are not receiving an education.

24. *Educational setting.* Section 84.34 prescribes standards for educating handicapped persons with nonhandicapped persons to the maximum extent appropriate to the needs of the handicapped person in question. A handicapped student may be removed from the regular educational setting only where the recipient can show that the needs of the student would, on balance, be served by placement in another setting.

Although under § 84.34, the needs of the handicapped person are determinative as to proper placement, it should be stressed that, where a handicapped student is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the handicapped child cannot be met in that environment. Therefore, regular placement would not be appropriate to his or her needs and would not be required by § 84.34.

Among the factors to be considered in placing a child is the need to place the child as close to home as possible. A new sentence has been added to paragraph (a) requiring recipients to take this factor into account. As pointed out in several comments, the parents' right under § 84.36 to challenge the placement of their child extends not only to placement in special classes or separate schools but also to placement in a distant school and, in particular, to residential placement. An equally appropriate educational program may exist closer to home; this issue may be raised by the parent or guardian under §§ 84.34 and 84.36.

New paragraph (b) specifies that handicapped children must also be provided nonacademic services in as integrated a setting as possible. This requirement is especially important for children whose educational needs necessitate their being solely with other handicapped children during most of each day. To the maximum extent appropriate, children in residential settings are also to be provided opportunities for participation with other children.

Section 84.34(c) (formerly § 84.38) requires that any facilities that are identifiable as being for handicapped students be comparable in quality to other facilities of the recipient. A number of comments objected to this section on the basis that it encourages the creation and maintenance of such facilities. This is not the intent of the provision. A separate facility violates section 504 unless it is indeed necessary to the provision of an appropriate education to certain handicapped students. In those instances in which such facilities are necessary (as might be the case, for example, for severely retarded persons), this provision requires that the educational services provided be comparable to those provided in the facilities of the recipient that are not identifiable as being for handicapped persons.

25. *Evaluation and placement.* Because the failure to provide handicapped persons with an appropriate education is so frequently the result of misclassification or misplacement, section 84.33(b)(1) makes compliance with its provisions contingent upon adherence to certain procedures designed to ensure appropriate classification and placement. These procedures, delineated in §§ 84.35 and 84.36, are concerned with testing and other evaluation methods and with procedural due process rights.

Section 84.35(a) requires that an individual evaluation be conducted before any action is taken with respect either to the initial placement of a handicapped child in a regular or special education program or to any subsequent significant change in that placement. Thus, a full reevaluation is not required every time an adjustment in placement is made. "Any action" includes denials of placement.

Paragraphs (b) and (c) of § 84.35 establishes procedures designed to ensure that children are not misclassified, unnecessarily labeled as being handicapped, or incorrectly placed because of inappropriate selection, administration, or interpretation of evaluation materials. This problem has been extensively documented in "Issues in the Classification of Children," a report by the Project on Classification of Exceptional Children, in which the HEW Interagency Task Force participated. The provisions of these paragraphs are aimed primarily at abuses in the placement process that result from misuse of, or undue or misplaced reliance on, standardized scholastic aptitude tests.

Paragraph (b) has been shortened but not substantively changed. The requirement in former subparagraph (1) that recipients provide and administer evaluation materials in the native language of the student has been deleted as unnecessary, since the same requirement already exists under title VI and is more appropriately covered under that statute. Subparagraphs (1) and (2) are, in general, intended to prevent misinterpretation and similar misuse of test scores and, in particular, to avoid undue reliance on general intelligence tests. Subparagraph (3) requires a recipient to administer tests to a student with impaired sensory, manual, or speaking skills in whatever manner is necessary to avoid distortion of the test results by the impairment. Former subparagraph (4) has been deleted as unnecessarily repetitive of the other provisions of this paragraph.

Paragraph (c) requires a recipient to draw upon a variety of sources in the evaluation process so that the possibility of error in classification is minimized. In particular, it requires that all significant factors relating to the learning process, including adaptive behavior, be considered. (Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.) Information from all sources must be documented and considered by a group of persons, and the procedure must ensure that the child is placed in the most integrated setting appropriate.

The proposed regulation would have required a complete individual reevaluation of the student each year. The Department has concluded that it is inappropriate in the section 504 regulation to require full reevaluations on such a rigid schedule. Accordingly, § 84.35(c) requires periodic reevaluations and specifies that reevaluations in accordance with the EHA will constitute compliance. The proposed regulation implementing the EHA allows reevaluation at three-year intervals except under certain specified circumstances.

Under § 84.36, a recipient must establish a system of due process procedures to be afforded to parents or guardians before the recipient takes any action regarding the identification, evaluation, or educational placement of a person who, because of handicap, needs or is believed to need special education or related services. This section has been revised. Because the due process procedures of the EHA, incorporated by reference in the proposed section 504 regulation, are inappropriate for some recipients not subject to that Act, the section now specifies minimum necessary procedures: notice, a right to inspect records, an impartial hearing with a right to representation by counsel, and a review procedure. The EHA procedures remain one means of meeting the regulation's due process requirements, however, and are recommended to recipients as a model.

26. *Nonacademic services.* Section 84.37 requires a recipient to provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation. Because these services and activities are part of a recipient's education program, they must, in accordance with the

provisions of § 84.34, be provided in the most integrated setting appropriate.

Revised paragraph (c)(2) does permit separation or differentiation with respect to the provision of physical education and athletics activities, but only if qualified handicapped students are also allowed the opportunity to compete for regular teams or participate in regular activities. Most handicapped students are able to participate in one or more regular physical education and athletics activities. For example, a student in a wheelchair can participate in regular archery course, as can a deaf student in a wrestling course.

Finally, the one-year transition period provided in former § 84.37(a)(3) was deleted in response to the almost unanimous objection of commenters to that provision.

27. *Preschool and adult education.* Section 84.38 prohibits discrimination on the basis of handicap in preschool and adult education programs. Former paragraph (b), which emphasized that compensatory programs for disadvantaged children are subject to section 504, has been deleted as unnecessary, since it is comprehended by paragraph (a).

28. *Private education.* Section 84.39 sets forth the requirements applicable to recipients that operate private education programs and activities. The obligations of these recipients have been changed in two significant respects: first, private schools are subject to the evaluation and due process provisions of the subpart only if they operate special education programs; second, under § 84.39(b), they may charge more for providing services to handicapped students than to nonhandicapped students to the extent that additional charges can be justified by increased costs.

Paragraph (a) of § 84.39 is intended to make clear that recipients that operate private education programs and activities are not required to provide an appropriate education to handicapped students with special educational needs if the recipient does not offer programs designed to meet those needs. Thus, a private school that has no program for mentally retarded persons is neither required to admit such a person into its program nor to arrange or pay for the provision of the person's education in another program. A private recipient without a special program for blind students, however, would not be permitted to exclude, on the basis of blindness, a blind applicant who is able to participate in the regular program with minor adjustments in the manner in which the program is normally offered.

Subpart E—Postsecondary Education

Subpart E prescribes requirements for nondiscrimination in recruitment, admission, and treatment of students in postsecondary education programs and activities, including vocational education.

29. *Admission and recruitment.* In addition to a general prohibition of discrimination on the basis of handicap in § 84.42(a), the regulation delineates, in § 84.42(b), specific prohibitions concerning the establishment of limitations on admission of handicapped students, the use of tests or selection criteria, and preadmission inquiry. Several changes have been made in this provision.

Section 84.42(b) provides that postsecondary educational institutions may not use any test or criterion for admission that has a disproportionate, adverse effect on handicapped persons unless it has been validated as a predictor of academic success and alternate tests or criteria with a less disproportionate, adverse effect are shown by the Department to be available. There are two significant changes in this approach from the July 16 proposed regulation.

First, many commenters expressed concern that § 84.42(b)(2)(ii) could be interpreted to require a "global search" for alternate tests that do not have a disproportionate, adverse impact on handicapped persons. This was not the intent of the provision and, therefore, it has been amended to place the burden on the Director of the Office for Civil Rights, rather than on the recipient, to identify alternate tests.

Second, a new paragraph (d), concerning validity studies, has been added. Under the proposed regulation, overall success in an education program, not just first-year grades, was the criterion against which admissions tests were to be validated. This approach has been changed to reflect the comment of professional testing services that use of first-year grades would be less disruptive of present practice and that periodic validity studies against overall success in the education program would be sufficient check on the reliability of first-year grades.

Section 84.42(b)(3) also requires a recipient to assure itself that admissions tests are selected and administered to applicants with impaired sensory, manual, or speaking skills in such manner as is necessary to avoid unfair distortion of test results. Methods have been developed for testing the aptitude and achievement of persons who are not able to take written tests or even to make the marks required for mechanically scored objective tests; in addition, methods for testing persons with visual or hearing impairments are available. A recipient, under this paragraph, must assure itself that such methods are used with respect to the selection and administration of any admissions tests that it uses.

Section 84.42(b)(3)(iii) has been amended to require that admissions tests be administered in facilities that, on the whole, are accessible. In this context, "on the whole" means that not all of the facilities need be accessible so long as a sufficient number of facilities are available to handicapped persons.

Revised § 84.42(b)(4) generally prohibits preadmission inquiries as to whether an applicant has a handicap. The considerations that led to this revision are similar to those underlying the comparable revision of § 84.14 on preemployment inquiries. The regulation does, however, allow inquiries to be made, after admission but before enrollment, as to handicaps that may require accommodation.

New paragraph (c) parallels the section on preemployment inquiries and allows postsecondary institutions to inquire about applicants' handicaps before admission, subject to certain safeguards, if the purpose of the inquiry is to take remedial action to correct past discrimination or to take voluntary action to overcome the limited participation of handicapped persons in postsecondary educational institutions.

Proposed § 84.42(c), which would have allowed different admissions criteria in certain cases for handicapped persons, was widely misinterpreted in comments from both handicapped persons and recipients. We have concluded that the section is unnecessary, and it has been deleted.

30. *Treatment of students.* Section 84.43 contains general provisions prohibiting the discriminatory treatment of qualified handicapped applicants. Paragraph (b) requires recipients to ensure that equal opportunities are provided to its handicapped students in education programs and activities that are not operated by the recipient. The recipient must be satisfied that the outside education program or activity as a whole is nondiscriminatory. For example, a college must ensure that discrimination on the basis of handicap does not occur in connection with teaching assignments of student teachers in elementary or secondary schools not operated by the college. Under the "as whole" wording, the college could continue to use elementary or secondary school systems that discriminate if, and only if, the college's student teaching program, when viewed in its entirety, offered handicapped student teachers the same range and quality of choice in student teaching assignments afforded nonhandicapped students.

Paragraph (c) of this section prohibits a recipient from excluding qualified handicapped students from any course, course of study, or other part of its education program or activity. This paragraph is designed to eliminate the practice of excluding handicapped persons from specific courses and from areas of concentration because of factors such as ambulatory difficulties of the student or assumptions by the recipient that no job would be available in the area in question for a person with that handicap.

New paragraph (d) requires postsecondary institutions to operate their programs and activities so that handicapped students are provided services in the most integrated setting appropriate. Thus, if a college had several elementary physics classes and had moved one such class to the first floor of the science building to accommodate students in wheelchairs, it would be a violation of this paragraph for the college to concentrate handicapped students with no mobility impairments in the same class.

31. *Academic adjustments.* Paragraph (a) of § 84.44 requires that a recipient make certain adjustments to academic requirements and practices that discriminate or have the effect of discriminating on the basis of handicap. This requirement, like its predecessor in the proposed regulation, does not obligate an institution to waive course or other academic requirements. But such institutions must accommodate those requirements to the needs of individual handicapped students. For example, an institution might permit an otherwise qualified handicapped student who is deaf to substitute an art appreciation or music history course for a required course in music appreciation or could modify the manner in which the music appreciation course is conducted for the deaf student. It should be stressed that academic requirements that can be demonstrated by the recipient to be essential to its program of instruction or to particular degrees need not be changed.

Paragraph (b) provides that postsecondary institutions may not impose rules that have the effect of limiting the participation of handicapped students in the education program. Such rules include prohibition of tape recorders or braillers in classrooms and dog guides in campus buildings. Several recipients expressed concern about allowing students to tape record lectures because the professor may later want to copyright the lectures. This problem may be solved by requiring students to sign agreements that they will not release the tape recording or transcription or otherwise hinder the professor's ability to obtain a copyright.

Paragraph (c) of this section, concerning the administration of course examinations to students with impaired sensory, manual, or speaking skills, parallels the regulation's provisions on admissions testing (§ 8.42(b)) and will be similarly interpreted.

Under § 84.44(d), a recipient must ensure that no handicapped student is subject to discrimination in the recipient's program because of the absence of necessary auxiliary educational aids. Colleges and universities expressed concern about the costs of compliance with this provision.

The Department emphasizes that recipients can usually meet this obligation by assisting students in using existing resources for auxiliary aids such as state vocational re-

rehabilitation agencies and private charitable organizations. Indeed, the Department anticipates that the bulk of auxiliary aids will be paid for by state and private agencies, not by colleges or universities. In those circumstances where the recipient institution must provide the educational auxiliary aid, the institution has flexibility in choosing the methods by which the aids will be supplied. For example, some universities have used students to work with the institution's handicapped students. Other institutions have used existing private agencies that tape texts for handicapped students free of charge in order to reduce the number of readers needed for visually impaired students.

As long as no handicapped person is excluded from a program because of the lack of an appropriate aid, the recipient need not have all such aids on hand at all times. Thus, readers need not be available in the recipient's library at all times so long as the schedule of times when a reader is available is established, is adhered to, and is sufficient. Of course, recipients are not required to maintain a complete braille library.

32. *Housing.* Section 84.45(a) requires postsecondary institutions to provide housing to handicapped students at the same cost as they provide it to other students and in a convenient, accessible, and comparable manner. Commenters, particularly blind persons, pointed out that some handicapped persons can live in any college housing and need not wait to the end of the transition period in Subpart C to be offered the same variety and scope of housing accommodations given to nonhandicapped persons. The Department concurs with this position and will interpret this section accordingly.

A number of colleges and universities reacted negatively to paragraph (b) of this section. It provides that, if a recipient assists in making off-campus housing available to its students, it should develop and implement procedures to assure itself that off-campus housing, as a whole, is available to handicapped students. Since postsecondary institutions are presently required to assure themselves that off-campus housing is provided in a manner that does not discriminate on the basis of sex (§ 86.32 of the title IX regulation), they may use the procedures developed under title IX in order to comply with § 84.45(b). It should be emphasized that not every off-campus living accommodation need be made accessible to handicapped persons.

33. *Health and insurance.* Section 84.46 of the proposed regulation, providing that recipients may not discriminate on the basis of handicap in the provision of health and related services, has been deleted as duplicative of the general provisions of section 84.43. This deletion represents no change in the obligation of recipients to provide nondiscriminatory health and insurance plans. The Department will continue to require that nondiscriminatory health services be provided to handicapped students. Recipients are not required, however, to provide specialized services and aids to handicapped persons in health programs. If, for example, a college infirmary treats only simple disorders such as cuts, bruises, and colds, its obligation to handicapped persons is to treat such disorders for them.

34. *Financial assistance.* Section 84.46(a) (formerly § 84.47), prohibiting discrimination in providing financial assistance, remains substantively the same. It provides that recipients may not provide less assistance to or limit the eligibility of qualified handicapped persons for such assistance, whether the assistance is provided directly by the recipient or by another entity through the recipient's sponsorship. Awards that are made under wills, trusts, or similar legal instruments in a discriminatory manner are permissible, but only if the overall effect of the recipient's provision of financial assistance is not discriminatory on the basis of handicap.

It will not be considered discriminatory to deny, on the basis of handicap, an athletic scholarship to a handicapped person if the handicap renders the person unable to qualify for the award. For example, a student who has a neurological disorder might be denied a varsity football scholarship on the basis of his inability to play football, but a deaf person could not, on the basis of handicap, be denied a scholarship for the school's diving team. The deaf person could, however, be denied a scholarship on the basis of comparative diving ability.

Commenters on § 84.46(b), which applies to assistance in obtaining outside employment for students, expressed similar concerns to those raised under § 84.43(b), concerning cooperative programs. This paragraph has been changed in the same manner as § 84.43(b) to include the "as a whole" concept and will be interpreted in the same manner as § 84.43(b).

35. *Nonacademic services.* Section 84.47 (formerly § 84.48) establishes nondiscrimination standards for physical education and athletics counseling and placement services, and social organizations. This section sets the same standards as does § 84.33 of Subpart D, discussed above, and will be interpreted in a similar fashion.

Subpart F—Health, Welfare, and Social Services

Subpart F applies to recipients that operate health, welfare, and social service programs. The Department received fewer comments on this subpart than on others.

Although many commented that Subpart F lacked specificity, these commenters provided neither concrete suggestions nor additions. Nevertheless, some changes have been made, pursuant to comment, to clarify the obligations of recipients in specific areas. In addition, in an effort to reduce duplication in the regulation, the section governing recipients providing health services (proposed § 84.52) has been consolidated with the section regulating providers of welfare and social services (proposed §84.53). Since the separate provisions that appeared in the proposed regulation were almost identical, no substantive change should be inferred from their consolidation.

Several commenters asked whether Subpart F applies to vocational rehabilitation agencies whose purpose is to assist in the rehabilitation of handicapped persons. To the extent that such agencies receive financial assistance from the Department, they are covered by Subpart F and all other relevant subparts of the regulation. Nothing in this regulation, however, precludes such agencies from servicing only handicapped persons. Indeed, § 84.4(c) permits recipients to offer services or benefits that are limited by federal law to handicapped persons or classes of handicapped persons.

Many comments suggested requiring state health, welfare, and social service agencies to take an active role in the enforcement of section 504 with regard to local health and social service providers. The Department believes that the possibility for federal-state cooperation in the administration and enforcement of section 504 warrants further consideration. Moreover, the Department will rely largely on state Medicaid agencies, as it has under title VI, for monitoring compliance by individual Medicaid providers.

A number of comments also discussed whether section 504 should be read to require payment of compensation to institutionalized handicapped patients who perform services for the institution in which they reside. The Department of Labor has recently issued a proposed regulation under the Fair Labor Standards Act (FLSA) that covers the question of compensation for institutionalized persons. 42 FR 15224 (March 18, 1977). This Department will seek information and comment from the Department of Labor concerning that agency's experience administering the FLSA regulation.

36. *Health, welfare, and other social service providers.* As already noted, § 84.53 has been combined with proposed § 84.53 into a single section covering health, welfare, and other social services. Section 84.52(a) has been expanded in several respects. The addition of new paragraph (a)(2) is intended to make clear the basic requirement of equal opportunity to receive benefits or services in the health, welfare, and social service areas. The paragraph parallels §§ 84.4 (b)(ii) and 84.43(b). New paragraph (a)(3) requires the provision of effective benefits or services, as defined in § 84.4(b)(2) (i.e., benefits or services which "afford handicapped persons equal opportunity to obtain the same result (or) to gain the same benefit * * *").

Section 84.52(a) also includes provisions concerning the limitation of benefits or services to handicapped persons and the subjection of handicapped persons to different eligibility standards. (These provisions were previously included in the welfare recipient section (§ 84.53(a)).) One common misconception about the regulation is that it would require specialized hospitals and other health care providers to treat all handicapped persons. The regulation makes no such requirement. Thus, a burn treatment center need not provide other types of medical treatment to handicapped persons unless it provides such medical services to nonhandicapped persons. It could not, however, refuse to treat the burns of a deaf person because of his or her deafness.

Commenters had raised the question of whether the prohibition against different standards of eligibility might preclude recipients from providing special services to handicapped persons or classes of handicapped persons. The regulation will not be so interpreted, and the specific section in question has been eliminated. Section 84.4(c) makes clear that special programs for handicapped persons are permitted.

A new paragraph (a)(5) concerning the provision of different or separate services or benefits has been added. This provision prohibits such treatment unless necessary to provide qualified handicapped persons with benefits and services that are as effective as those provided to others.

Section 84.52(a)(2) of the proposed regulation has been omitted as duplicative of revised § 84.22 (b) and (c) in Subpart C. As discussed above, these sections permit health care providers to arrange to meet patients in accessible facilities and to make referrals in carefully limited circumstances.

Section 84.52(a)(3) of the proposed regulation has been redesignated § 84.52(b) and has been amended to cover written material concerning waivers of rights or consent to treatment as well as general notices concerning health benefits or services. The section requires the recipient to ensure that qualified handicapped persons are not denied effective notice because of their handicap. For Example, recipients could use several different types of notice in order to reach persons with impaired vision or hearing, such as brailled messages, radio spots, and tactile devices on cards or envelopes to inform blind persons of the need to call the recipient for further information.

Sections 84.52(a)(4), 84.52(a)(5), and 84.52(b) have been omitted from the regula-

tion as unnecessary. They are clearly comprehended by the more general sections banning discrimination.

Section 84.52(c) is a new section requiring recipient hospitals to establish a procedure for effective communication with persons with impaired hearing for the purpose of providing emergency health care. Although it would be appropriate for a hospital to fulfill its responsibilities under this section by having a full-time interpreter for the deaf on staff, there may be other means of accomplishing the desired result of assuring that some means of communication is immediately available for deaf persons needing emergency treatment.

Section 84.52(d), also a new provision, requires recipients with fifteen or more employees to provide appropriate auxiliary aids for persons with impaired sensory, manual, or speaking skills. Further, the Director may require a small provider to furnish auxiliary aids where the provision of aids would not adversely affect the ability of the recipient to provide its health benefits or services. Thus, although a small nonprofit neighborhood clinic might not be obligated to have available an interpreter for deaf persons, the Director may require provision of such aids as may be reasonably available to ensure that qualified handicapped persons are not denied appropriate benefits or services because of their handicaps.

37. *Treatment of Drug Addicts and Alcoholics.* Section 84.53 is a new section that prohibits discrimination in the treatment and admission of drug and alcohol addicts to hospitals and outpatient facilities. This section is included pursuant to section 407, Public Law 92-255, the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1174), as amended, and section 321, Public Law 91-616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4581), as amended, and section 321, Public Law 93-282. Section 504 itself also prohibits such discriminatory treatment and, in addition, prohibits similar discriminatory treatment by other types of health providers. Section 84.53 prohibits discrimination against drug abusers by operators of outpatient facilities, despite the fact that section 407 pertains only to hospitals, because of the broader application of section 504. This provision does not mean that all hospitals and outpatient facilities must treat drug addiction a alcoholism. It simply means, for exam that a cancer clinic may not refuse to tr cancer patients simply because they are a alcoholics.

38. *Education of institutionalized perso* The regulation retains § 84.54 of the p posed regulation that requires that an a propriate education be provided to qualif handicapped persons who are confined residential institutions or day care cent

Subpart G—Procedures

In § 84.61, the Secretary has adopted t title VI complaint and enforcement proc dures for use in implementing section 5 until such time as they are superseded the issuance of a consolidated procedu regulation applicable to all of the civil righ statutes and executive orders administer by the Department.

Appendix B—Enforcement Procedures

Sections 80.6–80.10 and Part 81 of Title of the Code of Federal Regulations are r printed here without change for the conve lence of the reader:

§ 80.6 Compliance information.

(a) *Cooperation and assistance.* The responsible Department official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. For example, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in federally-assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information. Asserted considerations of privacy or confidentiality may not operate to bar the Department from evaluating or seeking to enforce compliance with this Part. Information of a confidential nature obtained in connection with compliance evaluation or enforcement shall not be disclosed except where necessary in formal enforcement proceedings or where otherwise required by law.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this regulation and its applicability to the program for which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this regulation.

(Sec. 601, 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d, 2000d–1) [29 FR 16298, Dec. 4, 1964, as amended at 32 FR 14555, Oct. 19, 1967; 38 FR 17981, 17982, July 5, 1973]

§ 80.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

(c) *Investigations.* The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 80.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

(Sec. 601, 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d, 2000d–1) [29 FR 16298, Dec. 4, 1964, as amended at 38 FR 17981, 17982, July 5, 1973]

§ 80.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this regulation, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 80.4.* If an applicant fails or refuses to furnish an assurance required under § 80.4 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible De-

partment official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

(Sec. 601, 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d, 2000d-1. Sec. 122, 80 Stat. 1209; 42 U.S.C. 2000d-3) [29 FR 16298, Dec. 4, 1964, as amended at 32 FR 14556, Oct. 19, 1967; 38 FR 17982, July 5, 1973]

§ 80.9 *Hearings.*

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 80.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 80.8(c) of this regulation and consent to the making of a decision on the basis of such information as may be filed as the record.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing. Any person (other than a Government employee considered to be on official business) who, having been invited or requested to appear and testify as a witness on the Government's behalf, attends at a time and place scheduled for a hearing provided for by this part, may be reimbursed for his travel and actual expenses of attendance in an amount not to exceed the amount payable under the standardized travel regulations to a Government employee traveling on official business.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or Joint Hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this regulation with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the responsible Department official may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 80.10.

(Sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d-1) [29 FR 16298, Dec. 4, 1964, as amended at 32 FR 14555, Oct. 19, 1967; 38 FR 17981, 17982, July 5, 1973]

§ 80.10 *Decisions and notices.*

(a) *Decisions by hearing examiners.* After a hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the reviewing authority for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient and to the complainant, if any. Where the initial decision referred to in this paragraph or in paragraph (c) of this section is made by the hearing examiner, the applicant or recipient or the counsel for the Department may, within the period provided for in the rules of procedure issued by the responsible Department official, file with the reviewing authority exceptions to the initial decision, with his reasons therefor. Upon the filing of such exceptions the reviewing authority shall review the initial decision and issue its own decision thereof including the reasons therefor. In the absence of exceptions the initial decision shall constitute the final decision, subject to the provisions of paragraph (e) of this section.

(b) *Decisions on record or review by the reviewing authority.* Whenever a record is certified to the reviewing authority for decision or it reviews the decision of a hearing examiner pursuant to paragraph (a) or (c) of this section, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions, and a copy of the final decision of the reviewing authority shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 80.9(a) the reviewing authority shall make its final decision on the record or refer the matter to a hearing examiner for an initial decision to be made on the record. A copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or reviewing authority shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Review in certain cases by the Secretary.* If the Secretary has not personally made the final decision referred to in paragraphs (a), (b), or (c) of this section, a recipient or applicant or the counsel for the Department may request the Secretary to review a decision of the Reviewing Authority in accordance with rules of procedure issued by the responsible Department official. Such review is not a matter of right and shall be granted only where the Secretary determines there are special and important reasons therefor. The Secretary may grant or deny such request, in whole or in part. He may also review such a decision upon his own motion in accordance with rules of procedure issued by the responsible Department official. In the absence of a review under this paragraph, a final decision referred to in paragraphs (a), (b), (c) of this section shall become the final decision of the Department when the Secretary transmits it as such to Congressional committees with the report required under section 602 of the Act. Failure of an applicant or recipient to file an exception with the Reviewing Authority or to request review under this paragraph shall not be deemed a failure to exhaust administrative remedies for the purpose of obtaining judicial review.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this regulation applies, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this regulation, including provisions designed to assure that no Federal financial assistance to which this regulation applies will thereafter be extended under such law or laws to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this regulation, or to have otherwise failed to comply with this regulation unless and until it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this regulation.

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part. An elementary or secondary school or school system which is unable to file an assurance of compliance with § 80.3 shall be restored to full eligibility to receive Federal financial assistance, if it files a court order or a plan for desegregation which meets the requirements of § 80.4(c), and provides reasonable assurance that it will comply with the court order or plan.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible Department official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Department official. The applicant or recipient will be restored to such eligibility if it proves at such hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

(Sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d–1) [29 FR 16294, Dec. 4, 1964, as amended at 32 FR 14564, Oct. 19, 1967; 38 FR 17981, 17982, July 5, 1973]

PART 81—PRACTICE AND PROCEDURE FOR HEARINGS UNDER PART 80 OF THIS TITLE

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AUTHORITY: The provisions of this Part 81 are issued under 5 U.S.C. 301 and 45 CFR 80.6(d).

SOURCE: The provisions of this Part 81 appear at 32 F.R. 13154, Nov. 3, 1967, unless otherwise noted.

Subpart A—General Information

§ 81.1 Scope of rules.

The rules of procedure in this part supplement §§ 80.8 and 80.10 of this subtitle and govern the practice for hearings, decisions, and administrative review conducted by the Department of Health, Education, and Welfare, pursuant to Title VI of the Civil Rights Act of 1964 (sec. 602, 78 Stat. 252) and Part 80 of this subtitle.

§ 81.2 Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the Civil Rights hearing clerk. Inquiries may be made at the Central Information Center, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

§ 81.3 Use of gender and number.

As used in this part, words importing the singular number may extend and be applied to several persons or things, and vice versa. Words importing the masculine gender may be applied to females or organizations.

§ 81.4 Suspension of rules.

Upon notice to all parties, the reviewing authority or the presiding officer, with respect to matters pending before them, may modify or waive any rule in this part upon determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

Subpart B—Appearance and Practice

§ 81.11 Appearance.

A party may appear in person or by counsel and participate fully in any proceeding. A State agency or a corporation may appear by any of its officers or by any employee it authorizes to appear on its behalf. Counsel must be members in good standing of the bar of a State, Territory, or possession of the United States or of the District of Columbia or the Commonwealth of Puerto Rico.

§ 81.12 Authority for representation.

Any individual acting in a representative capacity in any proceeding may be required to show his authority to act in such capacity.

§ 81.13 Exclusion from hearing for misconduct.

Disrespectful, disorderly, or contumacious language or contemptuous conduct, refusal to comply with directions, or continued use of dilatory tactics by any person at any hearing before a presiding officer shall constitute grounds for immediate exclusion of such person from the hearing by the presiding officer.

Subpart C—Parties

§ 81.21 Parties; General Counsel deemed a party.

(a) The term party shall include an applicant or recipient or other person to whom a notice of hearing or opportunity for hearing has been mailed naming him as respondent.

(b) The General Counsel of the Department of Health, Education, and Welfare shall be deemed a party to all proceedings.

§ 81.22 Amici curiae.

(a) Any interested person or organization may file a petition to participate in a proceeding as an amicus curiae. Such petition shall be filed prior to the prehearing conference, or if none is held, before the commencement of the hearing, unless the petitioner shows good cause for filing the petition later. The presiding officer may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, that such participation will not unduly delay the outcome, and may contribute materially to the proper disposition thereof. An amicus curiae is not a party and may not introduce evidence at a hearing.

(b) An amicus curiae may submit a statement of position to the presiding officer prior to the beginning of a hearing, and shall serve a copy on each party. The amicus curiae may submit a brief on each occasion a decision is to be made or a prior decision is subject to review. His brief shall be filed and served on each party within the time limits applicable to the party whose position he deems himself to support; or if he does not deem himself to support the position of any party, within the longest time limit applicable to any party at that particular stage of the proceedings.

(c) When all parties have completed their initial examination of a witness, any amicus curiae may request the presiding officer to propound specific questions to the witness. The presiding officer, in his discretion, may grant any such request if he believes the proposed additional testimony may assist materially in elucidating factual matters at issue between the parties and will not expand the issues.

§ 81.23 Complainants not parties.

A person submitting a complaint pursuant to § 80.7(b) of this title is not a party to the proceedings governed by this part, but may petition, after proceedings are initiated, to become an amicus curiae.

Subpart D—Form, Execution, Service and Filing of Documents

§ 81.31 Form of documents to be filed.

Documents to be filed under the rules in this part shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall show the title, if any, and address of the signatory. Copies need not be signed but the name of the person signing the original shall be reproduced. Documents shall be legible and shall not be more than 8½ inches wide and 12 inches long.

§ 81.32 Signature of documents.

The signature of a party, authorized officer, employee or attorney constitutes a certificate that he has read the document, that to the best of his knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may proceed as though the document had not been filed. Similar action may be taken if scandalous or indecent matter is inserted.

§ 81.33 Filing and service.

All notices by a Department official, and all written motions, requests, petitions, memoranda, pleadings, exceptions, briefs, decisions, and correspondence to a Department official from a party, or vice versa, relating to a proceeding after its commencement shall be filed and served on all parties. Parties shall supply the original and two copies of documents submitted for filing. Filings shall be made with the Civil Rights hearing clerk at the address stated in the notice of hearing or notice of opportunity for hearing, during regular business hours. Regular business hours are every Monday through Friday (legal holidays in the District of Columbia excepted) from 9 a.m. to 5:30 p.m., eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time. Originals only of exhibits and transcripts of testimony need be filed. For requirements of service on amici curiae, see § 81.107.

§ 81.34 Service—how made.

Service shall be made by personal delivery of one copy to each person to be served or by mailing by first-class mail, properly addressed with postage prepaid. When a party or amicus has appeared by attorney or other representative, service upon such attorney or representative will be deemed service upon the party or amicus. Documents served by mail preferably should be mailed in sufficient time to reach the addressee by the date on which the original is due to be filed, and should be air mailed if the addressee is more than 300 miles distant.

§ 81.35 Date of service.

The date of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person, except that the date of service of the initial notice of hearing or opportunity for hearing shall be the date of its delivery, or of its attempted delivery if refused.

§ 81.36 Certificate of service.

The original of every document filed and required to be served upon parties to a proceeding shall be endorsed with a certificate of service signed by the party making service or by his attorney or representative, stating that such service has been made, the date of service, and the manner of service, whether by mail or personal delivery.

Subpart E—Time

§ 81.41 Computation.

In computing any period of time under the rules in this part or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

§ 81.42 Extension of time or postponement.

Requests for extension of time should be served on all parties and should set forth the reasons for the application. Applications may be granted upon a showing of good cause by the applicant. From the designation of a presiding officer until the issuance of his decision such requests should be addressed to him. Answers to such requests are permitted, if made promptly.

§ 81.43 Reduction of time to file documents.

For good cause, the reviewing authority or the presiding officer, with respect to matters pending before them, may reduce any time limit prescribed by the rules in this part, except as provided by law or in Part 80 of this title.

Subpart F—Proceedings Prior to Hearing

§ 81.51 Notice of hearing or opportunity for hearing.

Proceedings are commenced by mailing a notice of hearing or opportunity for hearing to an affected applicant or recipient, pursuant to § 80.9 of this title.

§ 81.53 Answer to notice.

The respondent, applicant or recipient may file an answer to the notice within 20 days after service thereof. Answers shall admit or deny specifically and in detail each allegation of the notice, unless the respondent party is without knowledge, in which case his answer should so state, and the statement will be deemed a denial. Allegations of fact in the notice not denied or controverted by answer shall be deemed admitted.

Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the respondent to file an answer within the 20-day period following service of the notice may be deemed an admission of all matters of fact recited in the notice.

§ 81.53 *Amendment of notice or answer.*

The General Counsel may amend the notice of hearing or opportunity for hearing once as a matter of course before an answer thereto is served, and each respondent may amend his answer once as a matter of course not later than 10 days before the date fixed for hearing but in no event later than 20 days from the date of service of his original answer. Otherwise a notice or answer may be amended only by leave of the presiding officer. A respondent shall file his answer to an amended notice within the time remaining for filing the answer to the original notice or within 10 days after service of the amended notice, whichever period may be the longer, unless the presiding officer otherwise orders.

§ 81.54 *Request for hearing.*

Within 20 days after service of a notice of opportunity for hearing which does not fix a date for hearing the respondent, either in his answer or in a separate document, may request a hearing. Failure of the respondent to request a hearing shall be deemed a waiver of the right to a hearing and to constitute his consent to the making of a decision on the basis of such information as is available.

§ 81.55 *Consolidation.*

The responsible Department official may provide for proceedings in the Department to be joined or consolidated for hearing with proceedings in other Federal departments or agencies, by agreement with such other departments or agencies. All parties to any proceeding consolidated subsequently to service of the notice of hearing or opportunity for hearing shall be promptly served with notice of such consolidation.

§ 81.56 *Motions.*

Motions and petitions shall state the relief sought, the authority relied upon, and the facts alleged. If made before or after the hearing, these matters shall be in writing. If made at the hearing, they may be stated orally; but the presiding officer may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Motions, answers, and replies shall be addressed to the presiding officer, if the case is pending before him. A repetitious motion will not be entertained.

§ 81.57 *Responses to motions and petitions.*

Within 8 days after a written motion or petition is served, or such other period as the reviewing authority or the presiding officer may fix, any party may file a response thereto. An immediate oral response may be made to an oral motion.

§ 81.58 *Disposition of motions and petitions.*

The reviewing authority or the presiding officer may not sustain or grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided, however,* That prehearing conferences, hearings and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately. Motions and petitions submitted to the reviewing authority or the presiding officer, respectively, and not disposed of in separate rulings or in their respective decisions will be deemed denied. Oral arguments shall not be held on written motions or petitions unless the presiding officer in his discretion expressly so orders.

Subpart G—Responsibilities and Duties of Presiding Officer

§ 81.61 *Who presides.*

A hearing examiner assigned under 5 U.S.C. 3105 or 3344 (formerly sec. 11 of the Administrative Procedure Act) shall preside over the taking of evidence in any hearing to which these rules of procedure apply.

§ 81.62 *Designation of hearing examiner.*

The designation of the hearing examiner as presiding officer shall be in writing, and shall specify whether the examiner is to make an initial decision or to certify the entire record including his recommended findings and proposed decision to the reviewing authority, and may also fix the time and place of hearing. A copy of such order shall be served on all parties. After service of an order designating a hearing examiner to preside, and until such examiner makes his decision, motions and petitions shall be submitted to him. In the case of the death, illness, disqualification or unavailability of the designated hearing examiner, another hearing examiner may be designated to take his place.

§ 81.63 *Authority of presiding officer.*

The presiding officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange and issue notice of the date, time, and place of hearings, or, upon due notice to the parties, to change the date, time, and place of hearings previously set.

(b) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(c) Require parties and amici curiae to state their position with respect to the various issues in the proceeding.

(d) Administer oaths and affirmations.

(e) Rule on motions, and other procedural items on matters pending before him.

(f) Regulate the course of the hearing and conduct of counsel therein.

(g) Examine witnesses and direct witnesses to testify.

(h) Receive, rule on, exclude or limit evidence.

(i) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him.

(j) Issue initial or recommended decisions.

(k) Take any action authorized by the rules in this part or in conformance with the provisions of 5 U.S.C. 551–559 (the Administrative Procedure Act).

Subpart H—Hearing Procedures

§ 81.71 *Statement of position and trial briefs.*

The presiding officer may require parties and amici curiae to file written statements of position prior to the beginning of a hearing. The presiding officer may also require the parties to submit trial briefs.

§ 81.72 *Evidentiary purposes.*

(a) The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. Argument will not be received in evidence; rather it should be presented in statements, memoranda, or briefs, as determined by the presiding officer. Brief opening statements, which shall be limited to statement of the party's position and what he intends to prove, may be made at hearings.

(b) Hearings for the reception of evidence will be held only in cases where issues of fact must be resolved in order to determine whether the respondent has failed to comply with one or more applicable requirements of Part 80 of this title. In any case where it appears from the respondent's answer to the notice of hearing or opportunity for hearing, from his failure timely to answer, or from his admissions or stipulations in the record, that there are no matters of material fact in dispute, the reviewing authority or presiding officer may enter an order so finding, vacating the hearing date if one has been set, and fixing the time for filing briefs under § 81.101. Thereafter the proceedings shall go to conclusion in accordance with Subpart J of this part. The presiding officer may allow an appeal from such order in accordance with § 81.86.

§ 81.73 *Testimony.*

Testimony shall be given orally under oath or affirmation by witnesses at the hearing; but the presiding officer, in his discretion, may require or permit that the direct testimony of any witness be prepared in writing and served on all parties in advance of the hearing. Such testimony may be adopted by the witness at the hearing, and filed as part of the record thereof. Unless authorized by the presiding officer, witnesses will not be permitted to read prepared testimony into the record. Except as provided in §§ 81.75 and 81.76, witnesses shall be available at the hearing for cross-examination.

§ 81.74 Exhibits.

Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing if the presiding officer so requires. Proposed exhibits not so exchanged may be denied admission as evidence. The authenticity of all proposed exhibits exchanged prior to hearing will be deemed admitted unless written objection thereto is filed prior to the hearing or unless good cause is shown at the hearing for failure to file such written objection.

§ 81.75 Affidavits.

An affidavit is not inadmissible as such. Unless the presiding officer fixes other time periods affidavits shall be filed and served on the parties not later than 15 days prior to the hearing; and not less than 7 days prior to hearing a party may file and serve written objection to any affidavit on the ground that he believes it necessary to test the truth of assertions therein at hearing. In such event the assertions objected to will not be received in evidence unless the affiant is made available for cross-examination, or the presiding officer determines that cross-examination is not necessary for the full and true disclosure of facts referred to in such assertions. Notwithstanding any objection, however, affidavits may be considered in the case of any respondent who waives a hearing.

§ 81.76 Depositions.

Upon such terms as may be just, for the convenience of the parties or of the Department, the presiding officer may authorize or direct the testimony of any witness to be taken by deposition.

§ 81.77 Admissions as to facts and documents.

Not later than 15 days prior to the scheduled date of the hearing except for good cause shown, or prior to such earlier date as the presiding officer may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters of which an admission is requested shall be deemed admitted, unless within a period designated in the request (not less than 10 days after service thereof, or within such further time as the presiding officer or the reviewing authority if no presiding officer has yet been designated may allow upon motion and notice) the party to whom the request is directed serves upon the requesting party a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny such matters. Copies of requests for admission and answers thereto shall be served on all parties. Any admission made by a party to such request is only for the purposes of the pending proceeding, or any proceeding or action instituted for the enforcement of any order entered therein, and shall not constitute an admission by him for any other purpose or be used against him in any other proceeding or action.

§ 81.78 Evidence.

Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded.

§ 81.79 Cross-examination.

A witness may be cross-examined on any matter material to the proceeding without regard to the scope of his direct examination.

§ 81.80 Unsponsored written material.

Letters expressing views or urging action and other unsponsored written material regarding matters in issue in a hearing will be placed in the correspondence section of the docket of the proceeding. These data are not deemed part of the evidence or record in the hearing.

§ 81.81 Objections.

Objections to evidence shall be timely and briefly state the ground relied upon.

§ 81.82 Exceptions to rulings of presiding officer unnecessary.

Exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is sought, makes known the action which he desires the presiding officer to take, or his objection to an action taken, and his grounds therefor.

§ 81.83 Official notice.

Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded an opportunity to show the contrary.

§ 81.84 Public document items.

Whenever there is offered (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice, as a public document item by specifying the document or relevant part thereof.

§ 81.85 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 81.86 Appeals from ruling of presiding officer.

Rulings of the presiding officer may not be appealed to the reviewing authority prior to his consideration of the entire proceeding except with the consent of the presiding officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party, or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief with the reviewing authority within such period as the presiding officer directs. No oral argument will be heard unless the reviewing authority directs otherwise. At any time prior to submission of the proceeding to it for decision, the reviewing authority may direct the presiding officer to certify any question or the entire record to it for decision. Where the entire record is so certified, the presiding officer shall recommend a decision.

Subpart I—The Record

§ 81.91 Official transcript.

The Department will designate the official reporter for all hearings. The official transcripts of testimony taken, together with any exhibits, briefs, or memoranda of law filed therewith shall be filed with the Department. Transcripts of testimony in hearings may be obtained from the official reporter by the parties and the public at rates not to exceed the maximum rates fixed by the contract between the Department and the reporter. Upon notice to all parties, the presiding officer may authorize corrections to the transcript which involve matters of substance.

§ 81.92 Record for decision.

The transcript of testimony, exhibits, and all papers and requests filed in the proceedings, except the correspondence section of the docket, including rulings and any recommended or initial decision shall constitute the exclusive record for decision.

Subpart J—Posthearing Procedures, Decisions

§ 81.101 Posthearing briefs; proposed findings and conclusions.

(a) The presiding officer shall fix the time for filing posthearing briefs, which may contain proposed findings of fact and conclusions of law, and, if permitted, reply briefs.

(b) Briefs should include a summary of the evidence relied upon together with references to exhibit numbers and pages of the transcript, with citations of the authorities relied upon.

§ 81.102 Decisions following hearing.

When the time for submission of posthearing briefs has expired, the presiding officer shall certify the entire record, including his recommended findings and proposed decision, to the responsible De-

partment official; or if so authorized he shall make an initial decision. A copy of the recommended findings and proposed decision, or of the initial decision, shall be served upon all parties, and amici, if any.

§ 81.103 Exceptions to initial or recommended decisions.

Within 20 days after the mailing of an initial or recommended decision, any party may file exceptions to the decision, stating reasons therefor, with the reviewing authority. Any other party may file a response thereto within 30 days after the mailing of the decision. Upon the filing of such exceptions, the reviewing authority shall review the decision and issue its own decision thereon.

§ 81.104 Final decisions.

(a) Where the hearing is conducted by a hearing examiner who makes an initial decision, if no exceptions thereto are filed within the 20-day period specified in § 81.103, such decision shall become the final decision of the Department, and shall constitute "final agency action" within the meaning of 5 U.S.C. 704 (formerly section 10(c) of the Administrative Procedure Act), subject to the provisions of § 81.106.

(b) Where the hearing is conducted by a hearing examiner who makes a recommended decision, or upon the filing of exceptions to a hearing examiner's initial decision, the reviewing authority shall review the recommended or initial decision and shall issue its own decision thereon, which shall become the final decision of the Department, and shall constitute "final agency action" within the meaning of 5 U.S.C. 704 (formerly section 10(c) of the Administrative Procedure Act), subject to the provisions of § 81.106.

(c) All final decisions shall be promptly served on all parties, and amici, if any.

§ 81.105 Oral argument to the reviewing authority.

(a) If any party desires to argue a case orally on exceptions or replies to exceptions to an initial or recommended decision, he shall make such request in writing. The reviewing authority may grant or deny such requests in its discretion. If granted, it will serve notice of oral argument on all parties. The notice will set forth the order of presentation, the amount of time allotted, and the time and place for argument. The names of persons who will argue should be filed with the Department hearing clerk not later than 7 days before the date set for oral argument.

(b) The purpose of oral argument is to emphasize and clarify the written argument in the briefs. Reading at length from the brief or other texts is not favored. Participants should confine their arguments to points of controlling importance and to points upon which exceptions have been filed. Consolidations of appearances at oral argument by parties taking the same side will permit the parties' interests to be presented more effectively in the time allotted.

(c) Pamphlets, charts, and other written material may be presented at oral argument only if such material is limited to facts already in the record and is served on all parties and filed with the Department hearing clerk at least 7 days before the argument.

§ 81.106 Review by the Secretary.

Within 20 days after an initial decision becomes a final decision pursuant to § 81.104(a) or within 20 days of the mailing of a final decision referred to in § 81.104(b), as the case may be, a party may request the Secretary to review the final decision. The Secretary may grant or deny such request, in whole or in part, or serve notice of his intent to review the decision in whole or in part upon his own motion. If the Secretary grants the requested review, or if he serves notice of intent to review upon his own motion, each party to the decision shall have 20 days following notice of the Secretary's proposed action within which to file exceptions to the decision and supporting briefs and memoranda, or briefs and memoranda in support of the decision. Failure of a party to request review under this paragraph shall not be deemed a failure to exhaust administrative remedies for the purpose of obtaining judicial review.

§ 81.107 Service on amici curiae.

All briefs, exceptions, memoranda, requests, and decisions referred to in this subpart J shall be served upon amici curiae at the same times and in the same manner required for service on parties. Any written statements of position and trial briefs required of parties under § 81.71 shall be served on amici.

Subpart K—Judicial Standards of Practice

§ 81.111 Conduct.

Parties and their representatives are expected to conduct themselves with honor and dignity and observe judicial standards of practice and ethics in all proceedings. They should not indulge in offensive personalities, unseemly wrangling, or intemperate accusations or characterizations. A representative of any party whether or not a lawyer shall observe the traditional responsibilities of lawyers as officers of the court and use his best efforts to restrain his client from improprieties in connection with a proceeding.

§ 81.112 Improper conduct.

With respect to any proceeding it is improper for any interested person to attempt to sway the judgment of the reviewing authority by undertaking to bring pressure or influence to bear upon any officer having a responsibility for a decision in the proceeding, or his decisional staff. It is improper that such interested persons or any members of the Department's staff or the presiding officer give statements to communications media, by paid advertisement or otherwise, designed to influence the judgment of any officer having a responsibility for a decision in the proceeding, or his decisional staff. It is improper for any person to solicit communications to any such officer, or his decisional staff, other than proper communications by parties or amici curiae.

§ 81.113 Ex parte communications.

Only persons employed by or assigned to work with the reviewing authority who perform no investigative or prosecuting function in connection with a proceeding shall communicate ex parte with the reviewing authority, or the presiding officer, or any employee or person involved in the decisional process in such proceedings with respect to the merits of that or a factually related proceeding. The reviewing authority, the presiding officer, or any employee or person involved in the decisional process of a proceeding shall communicate ex parte with respect to the merits of that or a factually related proceeding only with persons employed by or assigned to work with them and who perform no investigative or prosecuting function in connection with the proceeding.

§ 81.114 Expeditious treatment.

Requests for expeditious treatment of matters pending before the responsible Department official or the presiding officer are deemed communications on the merits, and are improper except when forwarded from parties to a proceeding and served upon all other parties thereto. Such communications should be in the form of a motion.

§ 81.115 Matters not prohibited.

A request for information which merely inquires about the status of a proceeding without discussing issues or expressing points of view is not deemed an ex parte communication. Such requests should be directed to the Civil Rights hearing clerk. Communications with respect to minor procedural matters or inquiries or emergency requests for extensions of time are not deemed ex parte communications prohibited by § 81.113. Where feasible, however, such communications should be by letter with copies to all parties. Ex parte communications between a respondent and the responsible Department official or the Secretary with respect to securing such respondent's voluntary compliance with any requirement of Part 80 of this title are not prohibited.

§ 81.116 Filing of ex parte communications.

A prohibited communication in writing received by the Secretary, the reviewing authority, or by the presiding officer, shall be made public by placing it in the correspondence file of the docket in the case and will not be considered as part of the record for decision. If the prohibited communication is received orally, a memorandum setting forth its substance shall be made and filed in the correspondence section of the docket in the case. A person referred to in such memorandum may file a comment for inclusion in the docket if he considers the memorandum to be incorrect.

Subpart L—Postermination Proceedings

§ 81.121 Postermination proceedings.

(a) An applicant or recipient adversely affected by the order terminating, discontinuing, or refusing Federal financial assistance in consequence of proceedings pursuant to this title may request the responsible Department official for an order authorizing payment, or permitting resumption, of Federal financial assistance. Such request shall be in writing and shall affirmatively show that since entry of the order, it has brought its program or activity into compliance with the requirements of the Act, and with the Regulation thereunder, and shall set forth specifically, and in detail, the steps which it has taken to achieve such compliance. If the responsible Department official denies such request the applicant or recipient shall be given an expeditious hearing if it so requests in writing and specifies why it believes the responsible Department official to have been in error. The request for such a hearing shall be addressed to the responsible Department official and shall be made within 30 days after the applicant or recipient is informed that the responsible Department official has refused to authorize payment or permit resumption of Federal financial assistance.

(b) In the event that a hearing shall be requested pursuant to subparagraph (a) of this section, the hearing procedures established by this part shall be applicable to the proceedings, except as otherwise provided in this section.

Subpart M—Definitions

§ 81.131 Definitions.

The definitions contained in § 80.13 of this subtitle apply to this part, unless the context otherwise requires, and the term "reviewing authority" as used herein includes the Secretary of Health, Education, and Welfare, with respect to action by that official under § 81.106.

Transition provisions: (a) The amendments herein shall become effective upon publication in the FEDERAL REGISTER.

(b) These rules shall apply to any proceeding or part thereof to which Part 80 of this title as amended effective October 19, 1967 (published in the FEDERAL REGISTER for Oct. 19, 1967), and as the same may be hereafter amended, applies. In the case of any proceeding or part thereof governed by the provisions of Part 80 as that part existed prior to such amendment, the rules in this Part 81 shall apply as if these amendments were not in effect.

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